

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47628 of 2023

Arising Out of PS. Case No.-121 Year-2022 Thana- MAHARAJGANJ District- Siwan

ANKAJ KUMAR SON OF LATE DHUAIL PRASAD @ VIJAY PRASAD
RESIDENT OF VILLAGE SIHAUTA HALDI HATTA PS MAHARAJGANJ
PO SIWAN, DISTRICT- SIWAN

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ayush Kumar, Advocate

For the Opposite Party/s : Mr.Satyendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

- 2 01-08-2023 1. Heard learned counsel for the petitioner,

learned counsel for the Informant and learned APP for the State.
2. Petitioner seeks regular bail in connection

with Maharajganj P.S. Case No.121 of 2022 dated 28.04.2022

registered for the offence/s punishable under Section/s 302 read

with Section 34 of the Indian Penal Code and Section 27 of the

Arms Act.
3. As per the prosecution, the informant alleged

that at the instance of this petitioner one co-accused Golu

Kumar shot the informant's brother dead over previous enmity.
4. The main submissions advanced by the

learned counsel for the petitioner are that as per FIR, the alleged

occurrence took place on 27.04.2022 but the FIR was lodged on



28.04.2022, admittedly in between this petitioner and the deceased there was enmity and as per allegation the petitioner was also having a fire-arm but he did not use the same and the specific allegation of firing at the deceased is against co-accused Golu Kumar. Further submissions are that against the petitioner there is criminal antecedent of one case which was lodged under Sections 147, 148, 149, 323, 324, 307 and 504 of the Indian Penal Code and he has been languishing in jail since 08.02.2023 and one co-accused namely Manish Kumar @ Manish Kumar Soni named in the FIR, has been granted bail by a co-ordinate Bench of this Court vide order passed in Cr. Misc. No.43258 of 2023.

5. Learned counsel appearing for the Informant as well as learned APP appearing for the State has vehemently opposed the bail prayer.

6. Heard both the sides and perused the FIR. The instant matter relates to a murder committed in a very planned manner and enmity in between the petitioner's family and the informant is an admitted position, though the alleged firing to the deceased was inflicted by the co-accused Golu Kumar but the same was made at the direction of this petitioner. Considering the nature of the allegation appearing against this



petitioner, this Court is not inclined to accept his prayer for bail.
Accordingly, his bail prayer stands rejected.

7. The petitioner may renew his bail prayer
after framing of charge.

(Shailendra Singh, J)

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