

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42904 of 2022

Arising Out of PS. Case No.-309 Year-2021 Thana- BARHIYA District- Lakhisarai

Badal Kumar Son of Ramakant Singh Resident of village- Malpur, P.S-
Pipariya, Dist- Lakhisarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajesh Kumar

For the Opposite Party/s : Mr.Madhura Nand Jha

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 13-03-2023 Heard both parties.

The petitioner apprehends his arrest in Barahiya P.S.
Case No. 309 of 2021, registered for the offences punishable
under Sections 302, 307, 120B/34 of the Indian Penal Code and
sections 25(1-B)a, 26, 27 and 35 of the Arms Act.

As per the prosecution case, on the alleged date and
time of occurrence, one Pinku Kumar called Samarjeet Kumar
(nephew of informant) and took him away from the house, who
did not return home till night. Even after hectic search by the
informant and family member, they could not find Samarjeet
Kumar. Samarjeet Kumar had returned home some days before
from the jail after being released on bail. On enquiry one
Ramkrishna Kumar @ Munna has informed on the mobile of
informant that there was firing upon Samarjeet and his friend
Pinku in which Samarjeet passed away and Pinku became



injured. On getting such information, informant along with others went near Chimni Road and started searching, but Samarjeet was not traced out. On the next morning, dead body of Samarjeet was found lying on Kurtha Road. The informant suspects that Pankaj Singh, Sonu Kumar, Sonu Kumar s/o Sanjeev Kumar @ Butha Singh and 3-4 unknown persons killed his nephew.

It is submitted that petitioner is not named in the FIR and his name transpired in this case on the basis of confessional statement of co-accused Pinku Kumar. Informant is not eye-witness of the occurrence. Petitioner has been falsely implicated in this case due to his criminal antecedents.

Learned Additional Public Prosecutor however vehemently opposed the prayer for bail and submitted that there are ample material against this petitioner and petitioner is having criminal antecedents.

Considering the facts aforesaid and gravity of offence, I am not inclined to enlarge the petitioner above-named on anticipatory bail. Accordingly, the same is rejected.

(Prabhat Kumar Singh, J)

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