

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66616 of 2023**

Arising Out of PS. Case No.-73 Year-2021 Thana- BARHARIA District- Siwan

RAJESH KUMAR S/O LATE SATYADEV PRASAD @ SATDEV
SHARMA T/O VILLAGE- HALIM TOLA, PS. BARHARIA, DIST. SIWAN

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ramchandra Sahni

For the Opposite Party/s : Mr. Rabindra Kumar

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER**

2 31-10-2023 Heard the parties.

2. The petitioner apprehend his arrest in a case registered for the offence punishable under Sections 302 and other allied Sections of the IPC and 27 of Arms Act.

3. Allegedly, the petitioner is said to have killed the brother of the informant, in collusion with other co-accused persons.

4. It is submitted by learned counsel for the petitioner that petitioner is quite innocent and have committed no offence. He has been falsely implicated in this case. No such occurrence, in the manner as alleged, has ever taken place. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. He submits that the specific allegation is against co-accused Vikash Kumar and Laxuman Prasad. There



is no specific overt act against the petitioner and he has been made accused in the present case merely on the basis of suspicion. He further submits that similarly situated co-accused has been granted bail by a co-ordinate Bench of this Court vide order dated 11.08.2023 passed in Cr. Misc. No.42856 of 2023. Petitioner has no criminal antecedent.

5. Learned APP for the State opposed the prayer for anticipatory bail.

6. Having regard to the facts and circumstances of the case as there is no specific overt act against the petitioner, let the above named petitioner, be released on bail, in the event of his/her arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/Successor Court in connection with Barharia P.S. Case No.73 of 2021, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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