

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67133 of 2022**

Arising Out of PS. Case No.-683 Year-2021 Thana- SITAMARHI District- Sitamarhi

SURAJ KUMAR @ AYUSH @ AYUSH KUMAR S/O Umesh Prasad R/O
Village- Dronpur, P.S- Jhapaha, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Virendra Kumar

For the Opposite Party/s : Mr.Ramchandra Sahn

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

4 11-07-2023 Heard learned counsel for the petitioner and the State.

The petitioner apprehends arrest in connection with
Sitamarhi P.S. Case No.683 of 2021 instituted under Section
302, 307, 120B, 379 and 34 of the Indian Penal Code and
Section 27 of the Arms Act.

As per prosecution case, on 24.08.2021 at 11:45 PM
the informant was coming from his Hospital situated at Shankar
Chowk to his Clinic Rajopatti with his driver Prabhash and two
staffs namely, Baby and Suresh, counter staff Bably Kumari
along with his wife Sabnam Ara at 12:00 hours in the night.
When the informant along with others reached behind his Clinic
near parking he saw four persons who all of a sudden started
firing upon them. The informant sustained bullet injury on chest,
hand and knee while counter staff Bably Kumari was hit by



bullets and she died on the spot. Further allegation is of snatching of his licensed revolver. The informant further alleged that his first wife, Seema Sinha and nephew namely Santosh Kumar and Sandeep Kumar as also her boyfriend, Tipu @ Mumshad Alam have jointly committed the crime

Learned counsel appearing for the petitioner submits that petitioner is innocent and has falsely been implicated in the case. From bare perusal of FIR it is apparent that informant is an eye witness of the occurrence and has named four persons who have committed the crime. Petitioner is not named in the FIR and his name has transpired in this case during the course of investigation in the confessional statement of co-accused which has got no evidentiary value. No specific overt act has been alleged against this petitioner. Petitioner has got clean antecedent.

Learned counsel appearing for the State opposes the prayer for anticipatory bail.

Considering the facts of the case, nature of accusation and clean antecedent of the petitioner, let the petitioner, above named, in the event of his arrest/ surrender within a period of six weeks from today shall be enlarged on bail on furnishing



bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Additional Chief Judicial Magistrate-I, Sitamarhi in connection with Sitamarhi PS case No. 683/ 2021, subject to conditions laid down u/s 438(2) of the Cr. P. C.

(Prabhat Kumar Singh, J)

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