

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76056 of 2023**

Arising Out of PS. Case No.-481 Year-2023 Thana- MUZAFFARPUR SADAR District-
Muzaffarpur

Arjun Kumar @ Arjun Ray, Son of Rambabu Ray, R/o Mohalla - Kachhi
Pakki, P.S. - Sadar, Distt. - Muzaffarpur.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner	:	Mr. Nilendu Kumar Choudhary, Advocate
For the Informant	:	Mr. Arvind Kumar, Advocate
For the Opposite Party	:	Mr. Ajit Kumar, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

3 19-12-2023 Learned counsel for the petitioner is permitted to

remove the defect(s), as pointed out by the office, if any,

within a period of three weeks from today.

2. Heard learned counsel for the petitioner, learned
counsel for the informant and learned Additional Public
Prosecutor for the State.

3. The petitioner is apprehending his arrest in
connection with Sadar P.S. Case No. 481 of 2023 dated
21.05.2023 registered for the offences punishable under
Sections 302/34 of the I.P.C. and Section 27 of the Arms



Act.

4. As per the prosecution case, some unknown person fired on the informant's husband. In the meantime, the co-accused Arvind Rai made several firing on the head and neck of informant's husband, Bhola Kumar @ Indian in injured condition and fled away alongwith his associate on the motorcycle. Thereafter, he was taken away to the hospital where he died. The informant came to know that the co-accused Mukesh Sah, who is the associate of Arvind Rai, gave information regarding activity of her husband to the co-accused Arvind Rai prior to the alleged occurrence. She believes that Arjun Rai (petitioner), the co-accused persons Arvind Rai, Mukesh Sah and Md. Irfan alongwith other shooters killed her husband. The co-accused Md. Irfan is the resident of Samastipur and her husband had land dispute with him. Earlier, Arjun Rai (petitioner) and the co-accused Arvind Rai gave threatening to kill her husband.

5. Learned counsel for the petitioner has submitted that the petitioner is innocent and has been falsely implicated in this case. It is submitted that there is admitted land dispute between the deceased and the co-accused Md.



Irfan and the petitioner has no concern with the alleged occurrence. It is further submitted that from perusal of the F.I.R., it appears that there is allegation against the co-accused Arvind Rai and another person and not against the petitioner. There is no eye witness to the alleged occurrence. No incriminating article has been recovered from the possession of the petitioner. It is further submitted that the informant herself stated in the F.I.R. that the entire incident was captured in C.C.T.V. footage but the learned court below after perusal of the case diary did not discuss about the involvement of the petitioner being captured in the C.C.T.V. footage and merely said that in paragraph nos. 12, 13 and 14 of the case diary, the witnesses who were present at the time of occurrence, supported the version as raised by the informant. The petitioner has four criminal antecedents as stated in paragraph no. 3 of the bail application which are not related to the heinous nature of offence like murder.

6. Learned A.P.P. for the State and learned counsel for the informant have opposed the prayer for anticipatory bail of the petitioner.

7. Considering the aforesaid facts and



circumstances of the case, let the above named petitioner, in the event of his arrest/surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail bond of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned court concerned, Muzaffarpur, in connection with Sadar P.S. Case No. 481 of 2023, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure with further condition that:-

(I) The petitioner is directed to remain physically present before the learned court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bonds of the petitioner are liable to be cancelled.

8. The application stands allowed.

(Chandra Prakash Singh, J)

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