

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79423 of 2023

Arising Out of PS. Case No.-98 Year-2023 Thana- BARH District- Patna

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Sabita Devi W/O Ranjit Yadav @ Ajit Kumar R/O Village- Dullahpur, P.S.- Bind, Dist.- Nalanda, At Present R/O Village- Mangarchak, P.S.- Ntpc Barh, Dist.- Patna

... .. Petitioner/s

Versus

The State Of Bihar Patna

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bhaskar Shankar, Advocate

For the Opposite Party/s : Mr. Jharkhandi Upadhyay, APP

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 14-12-2023 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner is apprehending his arrest in a case registered for the offence punishable under Sections 302, 120(B) and 34 of the Indian Penal Code and Section 27 of the Arms Act pending in the learned court below.

3. As per the prosecution case, petitioner and one Arun Yadav, hired goon to kill the deceased.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. He further submits that the petitioner is not named in the FIR on the basis of the confessional statement of the co-accused the petitioner is made accused in this case. He submits that there is no specific overt act against the petitioner. He further submits that there is specific allegation against the the co-accused Bablu Yadav who fired upno the deceased. He submits that similarly



situated other co-accused person has already been granted bail by a bench of this Court vide order dated 30.08.2023 passed in Cr. Misc. No. 54922 of 2023. He further submits that petitioner has got no criminal antecedent as stated in para-3 of the bail application.

5. Per contra, learned APP for the State vehemently opposing the bail application and submits that the petitioner and other hired goon to kill the deceased which is clear from the impugned order itself. Hence, he does not deserve anticipatory bail.

6. Considering the nature of the allegation, I am not inclined to enlarge the petitioner on bail in connection with Barh P.S. Case No. 98 of 2023. Accordingly, his prayer for anticipatory bail is hereby rejected.

7. However, if the petitioner surrenders before the learned Court below within a period of six weeks from today and seeks regular bail, the learned Court below would pass the order, preferably, on the same day, without being prejudiced by this order.

(Anjani Kumar Sharan, J)

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