

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23968 of 2024

Arising Out of PS. Case No.-1077 Year-2023 Thana- AGAMKUAN District- Patna

1. Sikandar Kumar @ Shukardhan Son of Umesh Chnara Yadav Resident of Mohalla- Naya Tola, Kumhrar, Dabar Gali, P.S.-Agamkuan, Distt.-Patna
2. Shivdutta @ Shivdat Kumar Son of Umesh Chnara Yadav Resident of Mohalla- Naya Tola, Kumhrar, Dabar Gali, P.S.-Agamkuan, Distt.-Patna
3. Aditya Kumar Son of Umesh Chnara Yadav Resident of Mohalla- Naya Tola, Kumhrar, Dabar Gali, P.S.-Agamkuan, Distt.-Patna
4. Gobardhan @ Amit Kumar Son of Umesh Chnara Yadav Resident of Mohalla- Naya Tola, Kumhrar, Dabar Gali, P.S.-Agamkuan, Distt.-Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rudal Prasad, Advocate

For the Opposite Party/s : Mr. Chandra Bhushan Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 3 22-08-2024 1. Heard learned counsel for the petitioners and Mr. Chandra Bhushan Prasad learned A.P.P. for the State.
2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 302 and 120(B) of the Indian Penal Code as well as Section 27 of the Arms Act.
3. Learned counsel for the petitioners submits that petitioners no. 1, 3 and 4 have antecedent of two cases and petitioner no. 2 is a person with clean antecedent.
4. The informant alleges that his son (Suraj Kumar) on 06.11.2023 went out of his house at 09:30 a.m. saying that he will return after 2-3 hours, thereafter at about 12:00 p.m. the informant received an information on telephone that his son is lying in Adarsh



Colony, accordingly, he reached the place of occurrence and saw that his son was shot in the head. On inquiry people around disclosed that two groups were fighting over a piece of land and accused persons including the petitioners indulged in firing and his son was shot dead in the cross firing.

5. Learned counsel for the petitioners submits that petitioners have been falsely implicated in the instant case by the informant. It is further submitted that from perusal of the allegation as alleged in the FIR, it would manifest that the informant alleges that he received telephonic information that his son was lying in Adarsh Colony but then neither the mobile number of the person who called him is disclosed nor the name of the person who informed the informant about the occurrence is disclosed which casts an aspersion on the case of the prosecution. It is next submitted that the entire allegation hinges around suspicion and the petitioners will not abscond rather will cooperate in the investigation to prove their innocence.

6. Mr. Chandra Bhushan Prasad learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

7. Considering the submissions made by the learned counsel for the petitioners, let the petitioners above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand)



each 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 Agamkuan P.S. Case No. 1077 of 2023, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

8. However, if the investigating officer of the case files an application bringing to the notice of the learned court below that petitioners, despite giving assurance to this Court, are not cooperating in the investigation or are not presenting themselves as and when required by the investigating officer, the learned court below shall be at liberty to cancel the bail bonds of the petitioners after recording reasons.

9. It is made clear that if charge-sheet is submitted connecting the petitioners with the offence in that event the present anticipatory bail order shall lose its effect.

(Satyavrat Verma, J)

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