

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34619 of 2024

Arising Out of PS. Case No.-65 Year-2022 Thana- MURLIGANJ District- Madhepura

Bauwa Kumar @ Amar Kumar, (Male), aged about 23 years, son of
Baleshwar Prasad Yadav @ Balo Yadav, Resident of village-Bhalni, Ward
No.- 03, P.S.- Murliganj, Dist- Madhepura.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Dinkar Kumar, Advocate

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

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

ORAL ORDER

3 02-08-2024 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Murliganj P.S. Case No. 65 of 2022 dated 09.02.2022 registered for the offences punishable under Sections 393, 302/34 of the I.P.C. and Section 27 of the Arms Act.

3. As per the prosecution case, two miscreants boarded on a glamour motorcycle came and tried to stop the truck on the point of pistol but the said truck was not stopped on which one of the miscreants fired on the driver which hit him due to which he fell down on the steering. It is further alleged that the informant saw two other miscreants in the headlight of



the truck but could not see their faces. Thereafter, police came there and they took the injured to the hospital but he died during the course of treatment.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has been falsely implicated in this case. The petitioner is not named in the F.I.R. His name has come in the present case by police on the basis of ex-culpatory confessional statement of a remanded co-accused Mantosh Kumar. No such occurrence as alleged has ever taken place. Nothing has been recovered from the possession of the petitioner. No T.I. Parade has been conducted as yet by the prosecution. The other co-accused Mantosh Kumar has already been granted regular bail by a Bench of this Court vide Cr. Misc. No. 70628 of 2022 under order dated 19.04.2023. The petitioner has one criminal antecedent in which he is on bail as stated in paragraph no. 3 of the bail application.

5. Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioner and submitted that in paragraph no. 90 of the case diary it has been mentioned that the tower location of the mobile of the petitioner is found near the place of occurrence on the alleged date and time of the occurrence.



6. Considering the aforesaid facts and circumstances of the case as well as the heinous nature of allegation against the petitioner, this Court is not inclined to grant anticipatory bail to the petitioner and the same is rejected with a direction to the petitioner to surrender before the learned court below within a period of four weeks from the date of receipt/production of a copy of this order and the learned court below may consider the prayer for regular bail of the petitioner in accordance with law and on its own merits without being prejudiced of the order of this Court in connection with Murliganj P.S. Case No. 65 of 2022, pending in the court of learned J.M. Ist/Successor Court, Madhepura.

7. Accordingly, the anticipatory bail application of the petitioner stands rejected.

(Chandra Prakash Singh, J)

U.K./-

U		T	
---	--	---	--

