

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38292 of 2024

Arising Out of PS. Case No.-877 Year-2023 Thana- MASAUDHI District- Patna

SHUBHAM KUMAR S/O RANJAY SHARMA R/O VILL.- MOTIPUR,
POST- NAUBATPUR, P.S- NAUBATPUR, PATNA, BIHAR.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kamal Kishor Kumar
For the Opposite Party/s : Mr. Yogendra Kumar

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 3 03-10-2024 1. Heard learned counsel for the petitioner and learned A.P.P. for the State.
2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 302, 201 and 120B of the Indian Penal Code.
3. Learned counsel for the petitioner submits that petitioner has antecedent of one case under the Excise Act. It is next submitted that, in sum and substance, the informant in the FIR alleges that his son on call of petitioner had gone to attend the wedding of the petitioner, but in the wedding, celebratory firing was made in which his son got hit on the back leading to his death.
4. Learned counsel for the petitioner submits that from perusal of the allegation as alleged in the F.I.R., it would



manifest that the informant alleges that the accused persons including the petitioner were indulging in celebratory firing on account of which the son of the informant died. It is next submitted that when the *Barat* party realized that victim has received gunshot injury, as such, he was rushed to the hospital, but on the way he died and the person who had accompanied the victim on the car, left the car and fled thinking that they will be arrested. It is also submitted that informant is not an eye witness to the occurrence. It is next submitted that Shashikant Kumar @ Nikesh Kumar had moved this Court seeking anticipatory bail by filing Criminal Miscellaneous No. 44353 of 2024, but the same came to be rejected by an order dated 24.07.2024. The learned counsel submits that the case of the petitioner is not similar or akin to the case of Shashikant Kumar, the learned counsel, after making the said submission, draws the attention of the Court to Annexure-2 to the anticipatory bail application to submit that on the date of occurrence, the petitioner was getting married and the victim was his friend. It is submitted that it does not appear probable that on the date of marriage, the petitioner would have been firing. It is also submitted that an unfortunate occurrence took place, but then petitioner was not involved in the occurrence and it was petitioner and his family members



who had informed the informant about the occurrence. It is also submitted that petitioner will not abscond rather will cooperate in the investigation to prove his innocence.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

6. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Masaurhi P.S. Case No. 877 of 2023 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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