

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39341 of 2024

Arising Out of PS. Case No.-264 Year-2023 Thana- MAHARAJGANJ District- Siwan

Mohit Kumar Son of Brij Mohan Prasad @ Laddu Shrivastava R/o Village -
Purani Bazar, Nakhas Chauck Maharajganj, P.S.- Maharajganj, District -
Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amarendar Kumar, Advocate

For the Opposite Party/s : Ms.Nirmala Kumari, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 3 26-10-2024 1. Heard learned Counsel for the petitioner and
learned APP for the State.
2. This application, for grant of anticipatory bail,
arises out of Maharajganj PS case no. 264 of 2023, disclosing
offences punishable under Sections 302, 201/34 of the Indian
Penal Code.
3. The prosecution story, as per the First Information
Report, is that on 17.09.2023, the brother of the informant
namely Ayush Kumar (deceased) left his house but he did not
return. It is alleged that on 22.09.2023, informant got
information that one dead body was lying near the bush. On this
information, he along along with his family members went at
the place of occurrence and found the dead body of his brother.



The informant has suspected that petitioner along with other accused persons have killed his brother.

4. Learned Counsel for the petitioner submits that petitioner is having no criminal antecedent and he has been made accused on the basis of suspicion. Learned counsel further submits that during investigation, one Mukesh Kumar was arrested, who has disclosed that on 17.09.2023, there was a party and during course of party, mobile of co-accused Mukesh Kumar was taken by the deceased, upon which, the said Mukesh Kumar assaulted him by means of knife, due to which, he died. The statement of co-accused Mukesh Kumar has been recorded in paragraph no. 47 of the case diary. He next submits that in the confessional statement of co-accused Mukesh Kumar, name of co-accused Umesh and Mannu have been surfaced and name of petitioner has not been disclosed.

5. Learned counsel for the State submits that it is correct that the name of the petitioner has not been disclosed by the non-F.I.R. accused namely Mukesh Kumar, who has been arrested.

6. Regard being had to the submissions made on behalf of the parties and taking into consideration the fact that during investigation, name of the petitioner has not surfaced and



petitioner is having no criminal antecedent, I am inclined to grant the privilege of anticipatory bail to the petitioner.

6. This application is, accordingly, allowed.

7. Let petitioner, abovenamed, in the event of his arrest or surrender before the Court below within six weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-II, Siwan in connection with Maharajganj PS case no. 264 of 2023, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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