

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37012 of 2024**

Arising Out of PS. Case No.-175 Year-2022 Thana- ALOULI District- Khagaria

Raj Kumar Sada S/o Khusho Sada @ Chhathu Sada Resident of Kusmaut,
Begusarai, Kushmahaut, P.S. Baliya, District Begusarai

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. S.D. Sanjay, Sr. Advocate
		Mr. Vishal Kumar
For the Opposite Party/s	:	Mr. Rajendra Nath Jha

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 12-07-2024 Heard the learned senior counsel for the petitioner
and learned counsel for the State.

2. The petitioner apprehends his arrest in the
present case registered for offences under Sections 302 and 34
of the Indian Penal Code.

3. As per the prosecution, petitioner is alleged to
have participated in the killing of the deceased.

4. Learned senior counsel for the petitioner submits
that since the petitioner is being prosecuted with the aid of
Section 34 of the I.P.C. and he is not the assailant of the
deceased, his application for anticipatory bail may be
considered.

5. Learned APP for the State has vehemently
opposed the prayer for bail.

6. I have considered the submissions of the learned



senior counsel for the petitioner and the materials available on record.

7. There is allegation against the petitioner of having participated in the killing of the deceased.

8. In these circumstances, this is not a fit case for grant of anticipatory bail. *The application for anticipatory bail is, accordingly, rejected.*

9. The petitioner must surrender in the court below within a period of four weeks from today and seek regular bail, if so advised.

10. If such a petition is filed in the court below for grant of bail, then the same may be considered on its own merit without being prejudiced by the fact that his anticipatory bail application has been rejected by this court. The Court below will also consider the fact that co-accused has been granted regular bail.

11. The Magistrate, before whom the petitioner surrenders, may dispose of the surrender-cum-bail application on the same day.

(Sandeep Kumar, J)

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