

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40858 of 2024

Arising Out of PS. Case No.-830 Year-2023 Thana- DEHRI TOWN District- Rohtas

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Ankit Kumar, age 20 years, Male, S/o Parmanand Singh, R/o vill - Dighi, P.S.
- Barun, Distt. - Aurangabad.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner	:	Mr. Tripurari Narayan, Advocate and Mrs. Mukul Kumari, Advocate
For the Opposite Party	:	Mr. Amitesh Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

3 29-08-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with Sessions Trial No. 82 of 2024, arising out of Dehri Town P.S. Case No. 830 of 2023 dated 14.10.2023 registered for the offences punishable under Sections 302, 120B/34 of the I.P.C. and Sections 25(1-b)a, 26 and 35 of the Arms Act.

3. As per the prosecution case, on 14.10.2023 at about 7.00 P.M., when the informant's son was going to *Dehri* by his own vehicle to meet his sister then the informant's friend called on the informant's another son's mobile and told him that his brother met with an accident near the *Sone River Bridge*. When the informant reached there and saw that his son was lying there



in a very strange condition and some persons were chasing the *Bolero* vehicle which got caught with the help of the administration and two people were apprehended who disclosed their names as Ankit Kumar (petitioner) and Sonal Kumar and arms, one *katta* and cartridge were recovered from the possession of the apprehended persons. Thereafter, the informant's son was taken to the hospital, where the doctor declared him dead. The informant has alleged that the accused persons threatened the informant earlier also and they hatched the conspiracy to hit the son of the informant with a *Bolero* vehicle while he was driving due to which he got seriously injured and while being taken for treatment, his son died in the hospital.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. It is submitted that the petitioner and the other co-accused Sonal Kumar were arrested by the police with the help of administration only on the basis of suspicion. It is further submitted that from perusal of the F.I.R. itself, it appears that the petitioner and the co-accused Sonal Kumar were coming by their vehicle behind the vehicle of the deceased but none have seen the alleged occurrence. The petitioner has no concern with



the deceased as well as the informant. It is further submitted that except suspicion, there is no other substantive evidence to suggest the implication of the petitioner in the present case. It is further submitted that the allegation under the Arms Act is concerned, one country made pistol has been recovered below the seat of the *Bolero* vehicle bearing Registration No. BR26J5412 and one loaded *Magazine* and two live cartridges have been recovered from the pocket of the petitioner. The petitioner does not belong to the *Bolero* vehicle and he was only driving the said vehicle. The petitioner has been dragged in the present case due to previous enmity and village politics. It is further submitted that the other co-accused Pankaj Kumar @ Jimedar Kumar has already been granted bail by a Bench of this Court vide Cr. Misc. No. 33810 of 2024 under order dated 13.05.2024. The petitioner has one criminal antecedent in which he is on bail as stated in paragraph no. 3 of the supplementary affidavit filed on behalf of the petitioner. He is in custody in this case since 14.10.2023.

5. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner and submitted that the petitioner and the other co-accused persons hit the son of the informant with a *Bolero* vehicle, as a result of which, he



sustained severe injuries and thereafter he died in the hospital during the course of treatment. The postmortem report also corroborates the allegation made in the F.I.R. The petitioner in his confessional statement has stated the Modes Operandi as to how the occurrence took place with the association of the co-accused persons under conspiracy.

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 bail to the petitioner in connection with Sessions Trial No. 82 of 2024, arising out of Dehri Town P.S. Case No. 830 of 2023, pending in the court of learned Sub Divisional Judicial Magistrate, Dehri, Rohtas at Sasaram.

7. The application stands rejected.

(Chandra Prakash Singh, J)

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