

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42618 of 2024

Arising Out of PS. Case No.-166 Year-2016 Thana- KAJI MUHAMMADPUR District-
Muzaffarpur

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Mukesh Kumar @ Saroj S/o Late Ram Prasad Ram @ Late Ram Prasad R/o
Mohalla Maripur, P.S.- Kazimohammadpur, District-Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Ms.Poonam Kumari
For the Opposite Party/s : Mr.Madhuri Lata

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 20-07-2024 Heard learned counsel for the petitioner and

learned APP for the State.

2. The petitioner has renewed his prayer for grant
of anticipatory bail in a case instituted for the offence under
Sections 147, 148, 149, 323, 427, 504, 506, 307 and 302 of
the Indian Penal Code, which was earlier rejected by this
Court vide order dt. 24.3.2017 passed in Cr. Misc. No.
52703 of 2016.

3. It is a case of commission of murder of
informant's friend by the accused persons. It is further
alleged that accused persons have also damaged his house.

4. It is submitted by learned counsel for the



petitioner that petitioner has been falsely implicated in this case. In para 67 of the case diary, no complicity of the petitioner has been found by the police and submitted final form. Petitioner was not sent up for trial but learned trial court took cognizance against the petitioner.

5. The application for bail is opposed by learned APP for the State and submitted that anticipatory bail of the petitioner was earlier rejected vide order dt. 24.3.2017 passed in Cr. Misc. No. 52703 of 2016. Petitioner has filed this application after a long gap. Cognizance has also been taken by the court concerned against the petitioner after finding the case prima-facie true. During investigation, several witnesses have supported the prosecution case.

6. Having heard the learned counsel for the parties and considering the fact that specific allegation of assaulting to deceased by inflicting iron rod blow against the petitioner, nature of allegation, this court is not inclined to enlarge the petitioner on bail and, as such, his prayer for bail stands rejected.

7. However, if the petitioner surrenders and prays for regular bail, the same may be considered by the court



below on its own merit without being prejudiced by this
order of rejection.

(Sunil Kumar Panwar, J)

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