

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51971 of 2024

Arising Out of PS. Case No.-181 Year-2022 Thana- BIRAUL District- Darbhanga

Rajesh Kumar Kunwar Son of Fanishankar Kunwar R/O Vill.- Navtol, P.s.-
Biraul, Dist.- Darbhanga

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Girish Chandra Jha, Adv.

For the Opposite Party/s : Mr. Chandra Bhushan Prasad, APP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 07-08-2024 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, 120(B), 34 of the Indian Penal Code and Section 27 of Arms Act.

3. Allegedly, having conspiracy, all the accused persons including the petitioner surrounded the dinning table where the informant's husband was taking meal and in the meantime, co-accused Sharwan Kumar Singh came there and fired upon the informant's husband due to which he died on the spot.

4. It is submitted by learned counsel for the petitioner



that petitioner is quite innocent and has committed no offence. No such occurrence as alleged has ever taken place. Petitioner has been falsely implicated in this case due to ulterior motive. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. As per the FIR, there is specific allegation against co-accused Sharwan Kumar Singh to fire upon the informant's husband due to which he died on the spot. It is further submitted that the similarly situated co-accused have been granted anticipatory bail by this Court vide order dated 20.12.2023 in Cr. Misc. No. 81149 of 2023. Petitioner has no criminal antecedent as mentioned in para-3 of this application.

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

6. Having regard to the facts and circumstances of the case, as there is no specific overt act against the petitioner, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned lower Court where the case is pending/successor



Court in connection with Biraul P.S. Case No. 181 of 2022,
subject to the condition as laid down under Section 438 (2) of
the Cr.P.C.

(Anjani Kumar Sharan, J)

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