

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63099 of 2024

Arising Out of PS. Case No.-1260 Year-2023 Thana- AHIYAPUR District- Muzaffarpur

1. Kunal Kumar Son of Lakhendra Sahni Village- Shekhpur, Ps- Ahiyapur, dist- Muzaffarpur
2. Sujeet Kumar @ Sujeet Sahni Son of Jaleshwar Sahani Village- Shekhpur, Ps- Ahiyapur, dist- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Chandra Shekhar Anand, Advocate

For the Opposite Party/s : Mr. Shailendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 30-08-2024 Heard learned counsel for the petitioners and learned A.P.P. for the State.

2. The petitioners apprehend their arrest in connection with Ahiyarpur P.S. Case No. 1260 of 2023 registered for the offences punishable under Sections 302, 120(B) of the Indian Penal Code.

3. As per the prosecution case, on 01-10-2023 all the accused persons, including the petitioners killed the informant's brother-in-law by slitting his throat after hatching conspiracy.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have committed no offence as alleged against them and have falsely been implicated in the



present case. It is submitted that informant has alleged that co-accused, namely, Ravi Kumar was cutting the neck of her brother-in-law and all the accused persons, including the petitioners herein were caught hold of the deceased. From perusal of the FIR, it transpires that there is land dispute between the parties. It is lastly submitted that co-accused, namely, Golu Kumar has been enlarged on anticipatory bail by this Court *vide* order dated 09-08-2024, passed in Cr. Misc. No. 49643 of 2024.

5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioners. He submits that there is allegation in the FIR itself that petitioners caught hold of the deceased and co-accused, namely, Ravi Kumar was cutting the neck. It is fervently submitted that petitioners having serious allegation, may not be enlarged on anticipatory bail.

6. Considering the rival submissions made by the learned counsel for the parties, there being direct involvement of the petitioners in the alleged occurrence, this Court is not inclined to grant anticipatory bail to the petitioners. Prayer is *rejected*.

7. However, if the petitioners surrender before the



court below within a period of four weeks from today and prays
for regular bail, the same would be considered by the court
below in accordance with law without being prejudiced by the
order of this Court.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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