

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63236 of 2024

Arising Out of PS. Case No.-333 Year-2021 Thana- BAHADURPUR District- Patna

=====

Kumar Anubhaw @ Swaransh @ Abhinaw @ Guddu @ Kumar Anubhav @
Abhinav, male, aged about 28 years, son of Rajiv Kumar, resident of Village-
Payen, P.S.- Sheikhpura, Distt.- Sheikhpura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Ramji Kumar, Advocate

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

=====

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 30-08-2024 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner seeks bail in connection with
Bahadurpur PS Case No.333 of 2021 dated 27.10.2021,
instituted for the offence punishable under Sections 302, 120-
B/34 of the Indian Penal Code and Section 27 of the Arms Act

3. The prosecution case, in short, is that when the
informant's son reached near Saidpur Hostel, accused Munna
Singh, Raushan Sharma, John, Kallu, Vishal and Shanu, who are
resident of Saidpur Hostel tried to stop his scooty and then
Raushan Kumar took out pistol and fired on his son hitting at his
back. At the same time, Kallu, Vishal and John caught him and
Munna Singh is alleged to have taken out pistol and fired on his



head from back due to which he died.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in this case. It is submitted that the petitioner is not named in the FIR. Only on the basis of confessional statement of co-accused John, the petitioner has been made accused in this case. It is further submitted that there is specific allegation of firing against Raushan and Munna Singh, who fired upon the back and head respectively of the deceased. Further submission is that co-accused Vishal Kumar @ Awinash Kumar and John @ Satyam Kumar @ Jon have been granted bail by this Court vide order dated 17.08.2022 passed in Cr. Misc. No.14751 of 2022 and order dated 18.08.2022 passed in Cr. Misc. No.13911 of 2022 respectively. Co-accused, Kallu @ Raushan Kumar, has been granted bail by a co-ordinate Bench of this Court by order dated 17.10.2023 passed in Cr. Misc. No.52386 of 2023. Lastly, it is submitted that five criminal cases are pending against the petitioner. He is in custody since 16.03.2024 and charge-sheet has been submitted in the case.

5. Learned APP has opposed the prayer for bail.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let



the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Judicial Magistrate, 1st Class, Patna City, Patna, in Bahadurpur PS Case No.333 of 2021, subject to the conditions (i) that the petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below, (ii) that one of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife, (iii) that the bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse, and (iv) that if the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

7. The application stands allowed.

(Khatim Reza, J)

J. Alam/-

U			
---	--	--	--

