

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68820 of 2024

Arising Out of PS. Case No.-428 Year-2023 Thana- BODHGAYA District- Gaya

Abhimanyu Kumar S/O Late Kamlesh Prasad Singh R/O Village-
Khojagachhi, P.S- Barbiga, Distt.- Sheikhpura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

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

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 26-10-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. Earlier, vide order dated 10.07.2024 passed in Cr.
Misc. No. 24218 of 2024, the prayer for grant of anticipatory
bail to the present petitioner was rejected by this Court.

3. The petitioner seeks bail in connection with Bodh
Gaya P.S. Case No. 428 of 2023, registered under Sections 302,
34 of the Indian Penal Code and Section 27 of the Arms Act.

4. The prosecution case, in short, is that, one trainee
constable namey Rahul Kumar has shot another trainee
constable Sonu Kumar from the SLR of the petitioner who was
on duty. The petitioner immediately fled away from the place of
occurrence and his SLR was found on bed.



5. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. It is further submitted that the petitioner has not shot the deceased with his SLR. The co-accused person snatched his SLR and shot the deceased. Out of panic the petitioner fled away from the place of occurrence. Learned counsel further submitted that there is no specific allegation of assault against the petitioner. Learned counsel further contended that during investigation till now, as per supervision note, only offence under Section 304(2) is made out against this petitioner and no offence under 302/34 is made out against the petitioner. The petitioner is in custody since 18.07.2024 and has one criminal antecedent.

6. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioner. Learned APP submits that official SLR of the petitioner was used by co-accused Rahul Kumar in his presence and thereafter, the petitioner fled away from the place of occurrence. Hence, there is serious allegation against the petitioner and he does not deserve the privilege of bail.

7. Considering the aforesaid facts and circumstances of the case and also taking into account the supervision note, as



also the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

8. Let the petitioner be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Bodh Gaya P.S. Case No. 428 of 2023, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

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