

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75752 of 2023

Arising Out of PS. Case No.-168 Year-2020 Thana- MOUZAHDIPUR District- Bhagalpur

MUKESH SAH son of Late Gopal Sah Village- Uper Gangti Ps- Habibpur
Dist- Bhagalpur At Present Plot No-158, Sua Road Chandgrah Mangli
Jaibhole Colony Ludhiana Ps- Kahara Chowk Dist- Ludhiana Punjab

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dr. Manoj Kumar

For the Opposite Party/s : Mr.Shahabuddin Azeem @ S. Azeem

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 3 07-03-2024 1. Heard learned Counsel for the petitioner and learned Additional Public Prosecutor for the State.
2. This application, for grant of anticipatory bail, arises out of Mojahidpur (Babarganj) Police Station Case No. 168 of 2020, dated 18.08.2020, disclosing offences punishable under Sections 302/34 of the Indian Penal Code and Section 27 of the Arms Act.
3. The prosecution case, as per the First Information Report, is that the informant's husband has been killed by co-accused Ramesh Sah and the petitioner in Shastri Market, Aliganj.
4. Learned Counsel for the petitioner submits that the petitioner is the own brother of the deceased as well as



co-accused Ramesh Sah. Due to family feud, the petitioner had left the village in the year 2016 and this fact has been supported by the witnesses during the course of investigation. The co-accused Ramesh Sah was arrested and his confessional statement was recorded by the police in which he has not disclosed the name of the petitioner and on the contrary, he has stated that he purchased the fire arm and shot dead the deceased, who is the younger brother of the petitioner and co-accused Ramesh Sah. Upon the disclosure made by co-accused Ramesh Sah, the fire arm, used in the murder of the deceased, has also been recovered.

5. Learned Additional Public Prosecutor, referring to the case diary, does not dispute the submissions made by learned Counsel for the petitioner.
6. Regards being had to the submissions advanced on behalf of the parties and taking into consideration the materials collected by the police during the course of investigation, I am inclined to grant the petitioner privilege of anticipatory bail.
7. This application is, accordingly, allowed.
8. Let the petitioner, above named, in the event of his arrest



or surrender before the Court below within a period of four weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhagalpur, in connection with Mojahidpur (Babarganj) Police Station Case No. 168 of 2020, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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