

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81181 of 2023

Arising Out of PS. Case No.-3 Year-2022 Thana- CHERIYA BARIYARPUR District-
Begusarai

=====

Rajnish Kumar S/O Ram Shankar Kunwar R/O Village- Vinodpur, P.S-
Muffasil (SINGHAUL), Begusarai, Distt.- Begusarai.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

=====

with
CRIMINAL MISCELLANEOUS No. 77592 of 2023

Arising Out of PS. Case No.-3 Year-2022 Thana- CHERIYA BARIYARPUR District-
Begusarai

=====

Abhinav Kumar Son Of Ajay Kumar @ Ajay Kunwar R/O Village- Vinodpur,
P.S.- Muffasil (singhaul O.P.), Begusarai, District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :
(In CRIMINAL MISCELLANEOUS No. 81181 of 2023)
For the Petitioner/s : Mr.Amaresh Kumar
For the Opposite Party/s : Mr.Satyendra Narayan Singh
(In CRIMINAL MISCELLANEOUS No. 77592 of 2023)
For the Petitioner/s : Mr.Bijay Kumar Pandey
For the Opposite Party/s : Mr.Md. Matloob Rab

=====

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 21-06-2024 Heard learned counsel for the petitioners and

learned APP for the State.

The petitioners are apprehending their arrest in



a case registered for the offences punishable under Sections 302/34 of the Indian Penal Code and Section 27 of the Arms Act.

It is alleged against the petitioners that they along with other accused persons have murdered the father of the informant. The petitioners were seen at the place of occurrence during their escape.

It is submitted by learned counsel for the petitioners that petitioners are innocent and they have falsely been implicated in this case. It is apparent from the FIR that the alleged occurrence allegedly took place in the night of 03.01.2022 at about 12.00AM, but the present FIR was received at the police station on 04.01.2022 at 22.45 hours and this itself goes to show that nobody saw the alleged occurrence and subsequently after arrival of the informant from her sasural, the present case was manufactured at the behest of the informant as well as her maternal uncle. There is no direct and consistent material evidence



against the petitioners nor there is any eye-witness to the occurrence and in the background of some land dispute, the petitioners have been implicated in this case.

In contra, learned A.P.P appearing on behalf of the State has vehemently opposed the prayer for bail of the petitioners and submitted that petitioners are named in the F.I.R and they were seen fleeing away with other accused persons from the place of occurrence. The father of the informant died due to gunshot injuries. During investigation, the witnesses have supported the case of the prosecution. The postmortem report also corroborates the case of the prosecution.

Considering the facts and circumstances of the case, this Court is not inclined to enlarge the petitioners on anticipatory bail. The prayer for anticipatory bail of the petitioners stands rejected.

The petitioners are directed to surrender before learned Court below and pray for regular bail which may



be considered without being prejudiced by the order of
this Court.

(Sunil Kumar Panwar, J)

Shageer/-

U		T	
---	--	---	--

