

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80240 of 2024

Arising Out of PS. Case No.-536 Year-2022 Thana- ARA NAGAR District- Bhojpur

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Rahul Kumar Son of Arun Kumar @ Arun Prasad Resident of Village -
Charkhamba Gali, P.S. - Ara Town, District - Bhojpur (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Abhishek, Adv.

For the Opposite Party/s : Mr. Brajendra Nath Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 06-12-2024 Heard Learned Counsel for the petitioner and Learned
APP for the State.

2. The petitioner is apprehending arrest in connection with Ara (Town) P.S. Case No. 536 of 2022 lodged on 16.06.2022, for the offences punishable under Sections 147, 148, 149, 302, 307, 120(b) of the Indian Penal Code read with section 27 of the Arms Act.

3. As per the prosecution, FIR has been lodged against five named accused persons other than the petitioner against whom there is allegation that they have assaulted informant's uncle due to which he was badly injured and subsequently, taken to the hospital where he was declared dead.

4. Learned Counsel for the petitioner submits that the



petitioner is innocent and has committed no offence. Counsel submits that petitioner is not named in the FIR, but the paper attached with the FIR in which name of petitioner is there by which it transpires that one Khatai Yadav has fired on the chest of the victim due to which he died and petitioner is only member of the mob. Counsel submits that from bare reading of both the statements i.e. FIR and statement of Khatai Yadav & Ashish Kumar, it transpires there is no role of the petitioner in commission of the crime. Counsel further submits that the criminal antecedent of the petitioner is clean and he is a student and this aspect may be taken into consideration.

5. Learned APP for the State opposes the prayer for bail of the petitioner and submits that it is a case of murder in which one person has murdered the victim by gun shot and petitioner is only friend of him. Counsel further submits that most of the persons have been granted regular bail in this case.

6. In the present facts and circumstances, this Court is not inclined to grant bail to the petitioner. Accordingly, the prayer for anticipatory bail of the petitioner is hereby rejected with liberty granted to the petitioner that if he surrenders before the Trial Court within four weeks from today, then the Trial Court is directed to pass order on his surrender-cum-bail



application on the same day without being prejudice that the anticipatory bail of the petitioner has been rejected by this Court and the Trial Court shall pass order on the merit of this case.

(Dr. Anshuman, J)

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