

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2627 of 2024

Arising Out of PS. Case No.-103 Year-2022 Thana- KASHICHAK District- Nawada

Ajay Kumar @ Ajay Singh Son of Late Bhagirath Singh Resident of Village -
Daulachak, P.S.- Kashichak, District - Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Ms.Priyanka Singh, Adv.
For the Opposite Party/s	:	Mr.Ashok Kumar Singh, APP
For the Informant	:	Mr. Saroj Kumar Choudhary, Adv.

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

ORAL ORDER

4 14-05-2024 Heard Mr. Y.C. Verma, learned senior counsel
appearing on behalf of the petitioner and learned A.P.P. for the
State as also counsel for the Informant. Perused the case diary.

2. The petitioner apprehends his arrest in connection
with Kashichak P.S. Case No. 103 of 2022 registered for the
offences punishable under Section 302 and 34 of the Indian
Penal Code.

3. As per prosecution case, the allegation against the
accused persons including the present petitioner is of assaulting
the deceased/brother of the Informant by means of rod and
thereafter committing murder by firing.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in the



present case. There is an admitted land dispute between the parties. There is no eye-witness to the alleged occurrence. The postmortem report does not support the prosecution case. The petitioner has two criminal antecedents as has been stated in paragraph no.3 of the present bail application. Learned counsel for the petitioner further submits that the co-accused Tulan Kumar @ Uttam Kumar has already been granted regular bail by this Court vide order dated 01.12.2023 passed in Cr. Misc. No. 75185 of 2023. Charge-sheet has been submitted in this case.

5. Learned A.P.P. for the State and the Informant oppose the prayer for anticipatory bail of the petitioner, stating that the offence alleged is serious in nature and the petitioner is the named accused in the F.I.R. There is specific and direct allegation against the petitioner of firing upon the temple of the deceased. The petitioner has also two criminal antecedents and, thus, he does not deserve anticipatory bail.

6. Considering the entire facts and circumstances of the case and taking into account the nature of offence which is heinous as also there being specific allegation against the petitioner of firing upon the deceased, this Court is not inclined to grant anticipatory bail to the petitioner.



7. Accordingly, the prayer for anticipatory bail of the petitioner, above named, is rejected. If the petitioner surrenders before the court below within a period of six weeks from today and prays for regular bail, the same would be considered by the court below in accordance with law without being prejudiced by the order of this Court.

(Rudra Prakash Mishra, J)

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