

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.86416 of 2023**

Arising Out of PS. Case No.-89 Year-2023 Thana- GHANSHYAMPUR District- Darbhanga

Aditya Kumar @ Aditya Singh @ Aditya Kunwar Son Of Manoj Kunwar  
Village- Biraul, P.S.- Biraul, District- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Prabhat Kumar Singh, Advocate

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

**CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH**  
**ORAL ORDER**

4      08-07-2024                      1.    Heard learned counsel for the petitioner and the  
learned APP for the State.

2.    The petitioner apprehends his arrest in connection  
with Ghanshyampur P.S. Case No. 89 of 2023 dated 27.04.2023  
registered for the offence(s) punishable under Section(s) 341,  
323, 379, 504 and 506/34 of the Indian Penal Code and Section  
27 of Arms Act.

3.    Mr. Prabhat Kumar Singh, learned counsel for the  
petitioner submits that the allegation of theft of motorcycles is  
specifically against the co-accused namely, Om Prakash and  
petitioner is alleged to have participated in the second part of  
the occurrence which relates to firing and assault to one namely,  
Ghanshyam Sahu who is said to be partner of the informant in  
connection with the motorcycle agency and as per FIR the entire



incident was captured on CCTV camera and during investigation the footage of the CCTV camera of the relevant time was examined by the I.O. and in this regard the paragraph no. 96 of the case diary may be perused and the same shows that crowd gathered at the relevant time of the occurrence at the agency but no one was found carrying pistol and also the sound of the firing was not detected on seeing the footage. It is further submitted that during investigation the injured namely, Ghanshyam Sahu who is said to be the material witness of the prosecution, did not make specific allegation against this petitioner and one co-accused Babu Saheb Paswan @ Babu Saheb Kumar Paswan @ Manish Paswan carrying similar allegation has been granted anticipatory bail by this Bench. It is further submitted that the petitioner is on bail in all the criminal antecedent cases and in this regard specific statement has been made in the paragraph 3 of his petition.

4. Mr. Sanjay Kumar Singh, learned APP appearing for the State has opposed the bail prayer.

5. Considering the above submissions and mainly taking into account the privilege of anticipatory bail having been granted to the co-accused named above who is carrying the similar nature of allegation and also coupled with the nature of



allegation appearing against this petitioner and after the examination of the CCTV footage of the relevant time the investigating officer did not find evidence of firing and in this regard learned counsel has drawn the attention of this court to the paragraph no. 96 of the case diary and further there is no statement by learned APP regarding the need of custodial interrogation from the petitioner, in my opinion, in the said circumstances, the petitioner deserves to the privilege of anticipatory bail. Accordingly, let the petitioner named-above, in the event of his arrest/surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail in connection with Ghanshyampur P.S. Case No. 89 of 2023 on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the Court concerned, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Shailendra Singh, J)

Rajiv/-

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