

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13627 of 2025

Arising Out of PS. Case No.-769 Year-2019 Thana- FATUA District- Patna

Sunny Kumar, Son of Akhilesh Prasad @ Aklesh Kumar Resident of Mirjapur
Nohta, P.S.- Fatuha, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Harish Kumar

For the Opposite Party/s : Mr.Chandra Bhushan Prasad- A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 12-05-2025 1. Heard learned counsel for the petitioner and
learned APP for the State.

2. The petitioner seeks bail in anticipation of his
arrest in Fatuha P. S. Case No.769 of 2019 registered for the
offences punishable under Sections 147, 148, 149, 341, 342,
323, 353, 152, 153A and 435 of the Indian Penal Code and
Sections 25(1-b), 26 and 35 of the Arms Act.

3. The learned counsel for the petitioner submits that
the petitioner is a person with clean antecedent and the
informant alleges that during immersion of Idol of Goddess
Laxmi, miscreants of two groups namely, Mirjapur Nohata Puja
Samiti and Bankipur Gorakh created ruckus giving rise to law
and order situation and one Sujeet was apprehended with
unloaded pistol and the accused pelted stones at police causing



injury.

4. The learned counsel for the petitioner submits that petitioner has been falsely implicated in the instant case by the informant. It is next submitted that from perusal of the allegation as alleged in the FIR, it would manifest that the allegations are general and omnibus in nature i.e. there is no specific allegation against this petitioner of pelting stones. It is also submitted that similarly situated co-accused have been granted the privilege of anticipatory bail by the learned District Court itself by an order dated 25.11.2019 and 09.01.2020 in A.B.P. No.8813 of 2019 (Gorakh Kumar and another vs. State) and A.B.P. No.78 of 2020 (Uttam Kumar vs. State) respectively.

5. Learned A.P.P. Sri Chandra Bhushan Prasad opposes the anticipatory bail application and submits that petitioner cannot seek parity with those who were granted anticipatory bail by the learned District Court on the ground that they had approached the District Court in time whereas petitioner at his leisure had moved seeking anticipatory bail in the instant case. It is further submitted that petitioner for the first time in 2023 moved before the learned District Court seeking anticipatory bail application by filing A.B.P. 4234 of 2023 and the same was rejected by an order dated 08.08.2023 and two



years thereafter, the instant anticipatory bail application has been filed which amply demonstrates the conduct of the petitioner.

6. Considering the submissions made by the learned A.P.P., the Court is not inclined to extend the privilege of anticipatory bail to the petitioner.

7. The prayer of the petitioner for anticipatory bail stands rejected.

(Satyavrat Verma, J)

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