

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5083 of 2025

Arising Out of PS. Case No.-339 Year-2024 Thana- MINAPUR District- Muzaffarpur

Madan Kumar @ Madan Murari S/O Gagandev Sahani R/O Village- Jamin
Mathiya, P.S- Minapur (Panapur O.P.), Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Nachiketa Jha, Advocate
For the Opposite Party/s :	Mr. Rabindra Kumar, APP
For the Informant :	Mr. Shashi Bhushan Singh, Advocate

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

3 05-05-2025 Heard learned counsel for the petitioner, learned
counsel for the informant and learned APP for the State.

2. The petitioner apprehends his arrest for the offences punishable under 103 (1), 61 (2) and 3 (5) of the B.N.S., under Section 27 of the Arms Act and under Section 30 (a) of the Bihar Prohibition and Excise Act.

3. The allegation in the first information report is that the husband of the informant, Vikash Kumar had left the house on a call and he was picked up on way by one Raghubansh Sahani @ Raghu and, thereafter, the informant received information that her husband was shot dead. She has further stated in the F.I.R. that in course of having party at the bridge, her husband Vikash Kumar has been killed by means of gun



shot fired by one Mukesh Sahani and other accused persons are also involved.

4. Learned counsel for the petitioner submits that it would be apparent from the first information report itself that the informant is not the eye witness of the case and the specific allegation of firing is on Mukesh Sahani and further the deceased had been picked up on way by Raghubansh Sahani. So far as petitioner is concerned, although his name transpired in the first information report itself but no specific overt act has been attributed against him but his complicity in the said offence is based only on suspicion. The postmortem report is also on record which would show that the deceased had died due to firearm injury, which is attributable to co-accused, Mukesh Sahani.

5. Learned APP for the State and learned counsel for the informant opposed the prayer for bail on the ground that the present case is under Section 302 IPC and the petitioner is also involved in the said offence. Attention of the Court is drawn towards the confessional statement of one Mithilesh Ram wherein the name of the petitioner also transpired. However, the said statement is made before the police, which has no evidentiary value.



6. Taking into consideration the abovementioned facts and circumstances of the case as well as the fact that no specific overt act has been attributed against the petitioner, the case has been lodged on suspicion and the petitioner has clean antecedent, I am inclined to extend the privilege of anticipatory bail to the petitioner. Let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/ successor Court in connection with Minapur (Panapur O.P) P.S. Case No.339 of 2024, subject to the condition as laid down under Section 438 (2) of the Cr.P.C/482 (2) B.N.S.S.

(Soni Shrivastava, J)

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