

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18903 of 2025

Arising Out of PS. Case No.-162 Year-2023 Thana- MUSRIGHRARI District- Samastipur

Dhundhun Kumar @ Amar Kumar S/o- Raj Kumar Sah Vill- Balbhadarapur
Ps-Muffasil Dist- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shubhesh Pandey, Adv.

For the Opposite Party/s : Mr. Navin Kumar Pandey, APP

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

ORAL ORDER

2 28-04-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has earlier moved before this Court with a prayer for anticipatory bail which was dismissed vide order dated 11.12.2024 passed in Cr. Misc. No. 46718 of 2024.

2. The petitioner seeks bail in connection with Musrigharari P.S. Case No. 162 of 2023 instituted for the offences under Sections 302/120(B)/34 of the I.P.C. and Section 27 of the Arms Act.

3. As per prosecution case, the accusation against the accused persons including the petitioner is of assaulting and firing upon the Informant's son due to which he sustained fire-arm injury and died.



4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence as alleged against him and has falsely been implicated in the present case. The petitioner is not named in the F.I.R. and his name has surfaced in this case in course of investigation on the basis of the confessional statement of the co-accused Mukesh Kumar recorded before the police which has no evidentiary value in the eye of law. He further submits that nothing incriminating has been recovered from the conscious possession of the petitioner. There is no eye-witness to the alleged occurrence. Except confessional statement of the co-accused, there is nothing adverse against the petitioner in the entire record of this case. The petitioner has no concern with the alleged occurrence. There is no specific or direct allegation of any overt act against the petitioner rather the same is general and omnibus in nature. The specific allegation of firing is against the co-accused Akhilesh Sahni and Birju Sahni. The petitioner has two criminal antecedents but, in both of them, he is on bail and is languishing in judicial custody since 18.01.2025 without any rhymes or reason.

5. Learned counsel for the petitioner again submits that the co-accused namely Mukesh Kumar @ Manjhala and



Babul Kumar @ Panda have already been granted bail by a Co-ordinate Bench of this Court vide orders dated 18.04.2024 and 31.01.2025 passed in Cr. Misc. Nos. 11890 of 2024 and 76339 of 2024.

6. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

7. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as also taking into account the period of custody of the petitioner, let the petitioner, abovenamed, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Musrigharari P.S. Case No. 162 of 2023.

(Rudra Prakash Mishra, J)

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