

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25663 of 2025

Arising Out of PS. Case No.-237 Year-2022 Thana- FATUA District- Patna

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1. Roushan Kumar Son of Sunil Kumar @ Sunil Yadav Resident of Budhu Chak, P.O. and P.S. - Fatuha, District - Patna
 2. Dharmveer Kumar @ Bhim Kumar Son of Bharat Singh @ Bhola Singh Resident of Budhu Chak, P.O. and P.S. - Fatuha, District - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar

For the Opposite Party/s : Mr. Awadhesh Kumar Singh

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 07-05-2025 1. Heard learned Counsel for the petitioners and learned Additional Public Prosecutor for the State.
2. This application, for grant of anticipatory bail, arises out of Fatuha Police Station Case No. 237 of 2022, dated 24.03.2022, disclosing offences under Sections 341/323/325/307/302/506/34 of the Indian Penal Code and Section 27 Arms Act.
3. The prosecution case, as per the First Information Report, is that on 24.03.2022, at about 03:00 PM, while the informant was talking with a person, in the meanwhile co-accused Anshu Kumar and Raushan Kumar i.e. the petitioner no. 1 came from behind and Anshu Kumar



caught hold of the informant and the petitioner no. 1 assaulted him by means of steel bangle/bracelet “kada” on his head repeatedly. Thereafter, upon alarm being raised by the informant, the petitioners fled away after threatening the informant. After some time, the petitioners, along with 4 to 5 accused persons, having pistol in their hands, arrived there and with an intention to kill the informant fired upon him. In the meanwhile, mother of the informant intervened, upon which Vikash Kumar fired point-blank upon the informant’s mother leading to her death. Subsequently, the accused persons started firing indiscriminately and fled away from the spot.

4. Learned counsel for the petitioners submits that there is case and counter-case between the parties and father of the petitioner no. 1 has lodged Fatuha Police Station Case No. 238 of 2022 against the informant and others. He next submits that the co-accused Anshu Kumar, who is brother of the petitioner no. 1 has been granted anticipatory bail in Cr. Misc. No. 55503 of 2022 by this Court.
5. I have heard learned counsel for the parties and have gone through the materials available on records, including the



impugned order.

6. From perusal of the First Information Report it appears that the occurrence has taken place in two parts, at first instance, the petitioners assaulted the informant and upon arrival of the informant's mother, the petitioner went away threatening the informant to teach a lesson. Some time thereafter the petitioners, along with other accused persons, arrived there having pistols in their hands and resorted to firing upon the informant and when the mother of the informant intervened, co-accused Vikash Kumar fired point-blank upon her due to which she died on spot.
7. Learned Additional Sessions Judge III, Patna City, while rejecting the bail application of the petitioner have taken note of the fact that at the first instance the petitioner no. 1 went away threatening the informant to teach a lesson and came afterwards with assailants which prima facie shows that the offence were premeditated on the part of the petitioners.
8. It appears that while granting bail to the co-accused Anshu Kumar the facts were not properly brought before the Co-ordinate Bench of this Court, however, the allegation against the petitioner no. 1 is different than the



allegation made against the co-accused Anshu Kumar, the brother of the petitioner no. 1, as such, the petitioners cannot claim parity with co-accused Anshu Kumar.

9. Considering the aforesaid, the allegation made in the First Information Report that the petitioners came at the place of occurrence with premeditated mind having fire-arms, I am not inclined to grant the petitioners privilege of anticipatory bail.

10.This application is, accordingly, rejected.

(Anil Kumar Sinha, J)

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