

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53294 of 2024

Arising Out of PS. Case No.-1 Year-2024 Thana- SAJOUR District- Bhagalpur

Raju Sah @ Sumit Kumar Son of Late Baldeo Sah R/O Vill.- Banama, P.S.-
Sahkund, Dist.- Bhagalpur

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ambrish Jha, Advocate
For the Opposite Party/s : Mr. Upendra Kumar, APP

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

ORAL ORDER

4 17-01-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in connection
with Sajour P.S. Case No. 01 of 2024 registered for the offences
punishable under Sections 302, 120(B) & 34 of the Indian Penal
Code and Section 27 of the Arms Act.

3. Prosecution case in a nutshell is that co-accused
persons including the petitioner have killed the son of the
informant by hatching conspiracy.

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. Petitioner is not named in the FIR. Name of the petitioner transpired in this case on the basis of confessional statement of co-accused, namely, Saurabh Kumar. No incriminating article has been recovered from the petitioner's possession. The petitioner has no concern with the wife of the deceased. Petitioner bears one criminal antecedent. Police after investigation has submitted charge sheet in this case. Other co-accused has been allowed regular bail by this Court *vide* order dated 28-10-2024, passed in Cr. Misc. No. 52495 of 2024.

5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner. It is submitted that CDR of the petitioner was found to be near place of occurrence.

6. Considering the rival submissions made by the learned counsel for the parties, and specifically taking into account the nature and gravity of the offence, this Court is not inclined to grant anticipatory bail to the petitioner. Prayer for grant of anticipatory bail is hereby *rejected*.

7. However, if the petitioner surrenders before the court below within a period of four weeks from today and prays for regular bail, the same would be considered by the court



below in accordance with law without being prejudiced by the
order of this Court.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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