

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53823 of 2024

Arising Out of PS. Case No.-522 Year-2021 Thana- KUCHAIKOTE District- Gopalganj

Mukesh Kumar @ Mukesh Kumar Sharma, Son of Lallan Sharma, resident of
Village-Balahatta, P.O.- Bale Sara, P.S.- Uchkagaon, Dist- Gopalganj
... .. Petitioner

Versus

The State of Bihar Opposite Party

Appearance :

For the Petitioner/s : Mr. Raghav Prasad, Advocate

For the Opposite Party/s : Mr. Abhay Kumar Roy, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

7 18-01-2025 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The accused/petitioner is not named in the FIR
and apprehending his arrest in connection with Kuchaikote
P.S. Case No.522 of 2021 registered under Sections 302
read with 34 of the Indian Penal Code and Section 27 of the
Arms Act.

3. The allegation against the petitioner is to commit
murder of the brother of informant alongwith other named
co-accused persons, where reason for the occurrence not
appears to be explained through F.I.R.

4. Learned counsel appearing on behalf of the
petitioner submitted that name of this petitioner appears
with the present case out of confessional statement of co-



accused Akshay Yadav, in furtherance of which, no incriminating materials recovered/surfaced as to connect petitioner *prima facie* with the present occurrence. It is further submitted that the said co-accused Akshay Yadav has already granted regular bail by one of the learned co-ordinate Bench of this Court through Cr. Misc. No.48981 of 2022 dated 20.12.2022, considering that his name also involved in present case on the basis of self-confession while he was apprehended in another case. While concluding argument, it is also pointed out that similarly situated co-accused, namely, Shailendra Kumar Singh @ Shailendra Singh has also granted anticipatory bail by this Court through Cr. Misc. No.40234 of 2024 dated 04.09.2024. It is pointed out that the petitioner is a man of clean antecedent.

5. Learned APP appearing on behalf of the State opposes the prayer for anticipatory bail.

6. In view of aforesaid factual submissions and by taking note of fact as implication of this petitioner appears out of confessional statement of co-accused Akshay Yadav, where nothing incriminating appears against him till now and



moreover the said co-accused Akshy Yadav is also on bail, accordingly, the petitioner, above-named, is directed to be released on bail, in the event of his arrest or surrender in the court below within a period of four weeks, 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 Additional Chief Judicial Magistrate-VII, Gopalganj/concerned court in connection with Kuchaikote P.S. Case No.522 of 2021, subject to the conditions as laid down under Section 438(2) of the CrPC/Section 482(2) of the BNSS with further condition:-

- (i) That accused/petitioner shall co-operate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court only on medical ground of the petitioner duly supported by the documents.

(Chandra Shekhar Jha, J.)

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