

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49404 of 2025

Arising Out of PS. Case No.-425 Year-2024 Thana- GORAUL District- Vaishali

Shivam Kumar @ Munna Kumar Son of Naval Singh @ Naval Kishor Singh
R/o village - Chaksaid, P.S.- Harilochanpur, District - Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nafisu Zzoha, Adv

For the Opposite Party/s : Mr. Shailendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 26-09-2025 Heard learned counsel for the petitioner/ and learned
counsel for the State.

2. Petitioner is named in the FIR and apprehends his arrest in connection with Goraul P.S. Case No. 425 of 2024 registered for the offences under Sections 191(2), 191(3), 190, 126 (2), 118(1), 109, 103, 352, 351(2) and 61(2) of the Bharatiya Nyaya Sanhita.

3. The prosecution case, in brief, is that one Rakesh Kumar, resident of village- Basti Sarsikan, District- Vaishali gave a written application to the Station House Officer, Kathara Police Station, Vaishali to the effect that on 30.10.2024 at about 05:00 P.M. his son Roushan Kumar who along with his cousin Vishal Kumar was going to Baismile Chauk, P.S.- Harlochanpur Sukki. In



the meantime, at Mohna of Basti Sarsikan, Rajnish Kumar, Md. Meraj Alam, Munna Kumar, Prince Jha, Vivek Jham Pintu Kumar, Akash Kumar (petitioner), Raja Kumar and 5-6 unknown persons armed with weapons surrounded his son and Vishal Kumar and all of them told to kill Raushan Kumar upon which Rajnish Kumar, Md. Meraj Alam, Munna Kumar, Prince Jha and Pintu Kumar gave indiscriminate blow of knife upon Raushan Kumar and also assaulted Vishal Kumar due to which he sustained injury in his stomach. Thereafter all the accused persons threatened Vishal Kumar not to inform the family members otherwise there would be dire consequences. In the stabbing incident, Raushan Kumar succumbed and his post- mortem was done at Sadar Hospital, Hajipur.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the instant case. It is further submitted that even if the allegations levelled in the FIR are taken into consideration, it would appear that there is no allegation of assault committed by the petitioner, in fact, there is specific allegation on others *qua* stabbing the deceased Raushan Kumar but not on the petitioner. It is lastly submitted that the petitioner found involved in one more case where he is on bail. It is also submitted that similarly situated co-accused namely Akash



Kumar has already granted anticipatory bail by learned Co-ordinate Bench of this Court through Cr. Misc. No. 23773 of 2025 dated 05.05.2025.

5. Learned APP for the State has opposed the prayer for anticipatory bail.

6. Considering the aforesaid factual submission as allegation qua stabbing is not available against petitioner, accordingly above named petitioner is directed to be released on bail, in the event of arrest or surrender before the learned Court below within a period of four weeks from the date of receipt of this order, on furnishing bail bonds of Rs. 25,000/-(Twenty Five thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Vaishali at Hajipur in connection with Goraul P.S. Case No. 425/2024 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Chandra Shekhar Jha, J.)

S.Tripathi/-

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