

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51959 of 2025

Arising Out of PS. Case No.-163 Year-2025 Thana- BEGUSARAI TOWN District- Begusarai

Manish Kumar @ Sibbu S/o- Late Jagarnath Prasad Sinha @ Jagarnath Prasad Singh R/o- W. No-20, Ima Road Near TV Tower, Sri Krishnapuri Ps- Begusarai Town, Dist- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 52040 of 2025

Arising Out of PS. Case No.-163 Year-2025 Thana- BEGUSARAI TOWN District- Begusarai

Indrajeet Kumar S/o Arjun Singh R/o Vill- Pathua Barari Jilla Punarwas, Sihma, P.S.- Matihani, Distt- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 51959 of 2025)

For the Petitioner/s : Mr. Anuj Kumar, Adv.

For the Opposite Party/s : Mr. Nand Kishore Pd. APP

(In CRIMINAL MISCELLANEOUS No. 52040 of 2025)

For the Petitioner/s : Mr. Ramakant Sharma, Sr. Adv.

Mr. Rakesh Kumar Sharma, Adv.

For the Opposite Party/s : Mr. Nand Kishore Pd., APP

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 11-11-2025

In Cr. Misc. No.51959 of 2025

Heard learned counsel for the petitioner and learned

A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with Begusarai Town P.S. Case No. 163/2025 registered for the offences punishable under Sections 103, 61(2)



of the B.N.S. and Section 27 of the Arms Act.

3. As per prosecution case, on 19.04.2025 when the informant alongwith her husband reached to the clinic of Dr. Prabhakar Kumar Thakur for taking back the motorcycle which was parked in the premises of Dr. Prabhakar Kumar Thakur, the informant did not find the motorcycle there. After that the informant requested the staff to show the video of camera installed in the hospital. It is alleged that all the people came out from the hospital and they were adamant about beating the informant and others and they started chasing them. Thereafter the informant and others started running towards their house. Meanwhile, one person who was the staff of the Dr. Prabhakar Kumar Thakur, was coming from back side and fired indiscriminately fired upon the informant's husband due to which he died on the spot. Hence, FIR has been lodged against Dr. Prabhakar Kumar Thakur and two unknown persons.

4. Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence as alleged in the FIR. The petitioner is not named in the FIR and his name has been surfaced in this case on the basis of confessional statement of co-accused Chandan Kumar. Except confessional statement, there is nothing on record to demonstrate the



complicity of the present petitioner with the alleged occurrence. He further submits that there is specific allegation of firing against co-accused Prashant and Shivam as is evident from para 31 of the case diary. It is pointed out that despite being the claim of the informant to identify the staffs and the assailant, no TIP was conducted uptill now. He orally submits that the petitioner has no concern with the alleged place of occurrence. The petitioner bears no criminal antecedent. No incriminating articles has been recovered from the possession of the petitioner. On similar and identical allegation, co-accused Amit Kumar has already been granted anticipatory bail by the co-ordinate Bench of this Court vide Cr. Misc. No.53129/2025 and on the principle of parity, the petitioner deserves anticipatory bail.

5. The learned A.P.P. for the State opposed the prayer for anticipatory bail of the petitioner and submitted that during course of investigation the name of the petitioner has been transpired in this case and the petitioner cannot escape from the allegation made in the FIR.

6. Considering the facts and circumstances of the case, keeping in view clean antecedent of petitioner, on similar and identical allegation co-accused has already been granted anticipatory bail, argument advanced on behalf of both sides and



also taking into consideration the material available on record, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Begusarai in connection with Begusarai Town P.S. Case No. 163/2025, subject to the conditions as laid down under Section 482(2) of the B.N.S.S.

7. The application stands allowed.

Re: Cr. Misc. No.52040 of 2025

Heard the parties.

2. The petitioner is apprehending his arrest in connection with Begusarai Town P.S. Case No. 163/2025 registered for the offences punishable under Sections 103, 61(2) of the B.N.S. and Section 27 of the Arms Act.

3. As per prosecution case, on 19.04.2025 when the informant alongwith her husband reached to the clinic of Dr. Prabhakar Kumar Thakur for taking back the motorcycle which was parked in the premises of Dr. Prabhakar Kumar Thakur, the informant did not find the motorcycle there. After that the informant requested the staff to show the video of camera



installed in the hospital. It is alleged that all the people came out from the hospital and they were adamant about beating the informant and others and they started chasing them. Thereafter the informant and others started running towards their house. Meanwhile, one person who was the staff of the Dr. Prabhakar Kumar Thakur, was coming from back side and fired indiscriminately fired upon the informant's husband due to which he died on the spot. Hence, FIR has been lodged against Dr. Prabhakar Kumar Thakur and two unknown persons.

4. Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence as alleged in the FIR. The petitioner is not named in the FIR and his name has been surfaced in this case on the basis of confessional statement of co-accused Bhola Mahto. Except confessional statement, there is nothing on record to demonstrate the complicity of the present petitioner with the alleged occurrence. He further submits that there is specifically allegation of firing against co-accused Prashant and Shivam as is evident from para 31 of the case diary. It is pointed out that despite being the claim of the informant to identify the staffs and the assailant, no TIP was conducted uptill now. He orally submits that the petitioner has no concern with the alleged place of occurrence. The



petitioner bears no criminal antecedent. No incriminating article has been recovered from the possession of the petitioner. On similar and identical allegation, co-accused Amit Kumar has already been granted anticipatory bail by the co-ordinate Bench of this Court vide Cr. Misc. No.53129/2025 and on the principle of parity, the petitioner deserves anticipatory bail.

5. The learned A.P.P. for the State opposed the prayer for anticipatory bail of the petitioner and submitted that during course of investigation the name of the petitioner has been transpired in this case and the petitioner cannot escape from the allegation made in the FIR.

6. Considering the facts and circumstances of the case, keeping in view clean antecedent of petitioner, on similar and identical allegation co-accused has already been granted anticipatory bail, argument advanced on behalf of both sides and also taking into consideration the material available on record, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Begusarai in connection with



Begusarai Town P.S. Case No. 163/2025, subject to the conditions as laid down under Section 482(2) of the B.N.S.S.

7. The application stands allowed.

(Alok Kumar Pandey, J)

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