

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59018 of 2024

Arising Out of PS. Case No.-328 Year-2023 Thana- MAGADH MEDICAL COLLEGE
District- Gaya

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Rohit Kumar, aged about 27 years, Male, Son of Shivnandan Chaudhary
Resident of Village- Barki Delha, Ganouri Saw Tell Mill Gali P.S.- Delha
District- Gaya, At present Resident of Village- Jamune P.S.- Chandauti
District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar, Advocate

For the Opposite Party/s : Mr. Ram Priya Sharan Singh, APP

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**CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA**

ORAL ORDER

3 21-02-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest in connection
with Magadh Medical P.S. Case No. 328 of 2023 instituted for
the offences punishable under Section 302 of the Indian Penal
Code and Section 27 of the Arms Act.

3. As per the allegation in the FIR, it is a case of death
of the husband of the informant by the accused persons.

4. Learned counsel for the petitioner submits that
petitioner is innocent and has committed no offence and has
falsely been implicated in this case. He further submits that
petitioner was neither arrested at the spot nor anything found
from the conscious possession of the petitioner. Petitioner was



not named in the FIR. He further submits that after institution of the case police started investigation and after investigation police submitted charge sheet against all the accused persons. He next submits that the name of the petitioner has been surfaced in this case merely on the basis of confessional statement of co-accused namely Shekhar Kumar. Petitioner has got clean antecedent as stated in para 3 of the petition.

5. Learned APP for the State has opposes the prayer for anticipatory bail of the petitioner

6. From perusal of the FIR, case diary, post mortem report and also perused the impugned order dated 25.05.2024 passed by the learned Additional Sessions Judge-V, Gaya it appears that petitioner is not named in the FIR. From perusal of the records, in the entire case diary, it appears that on the basis of written report of the informant Sharda Devi, mother of the deceased, FIR has been lodged under Section 302 of the Indian Penal Code and Section 27 of the Arms Act against unknown persons. It also appears that the name of the petitioner has been surfaced on the basis of confessional statement of co-accused Shekhar Kumar, who has been arrested on the spot. It is a case of anticipatory bail for the offence punishable under Section 302 of the Indian Penal Code and Section 27 of the Arms Act.



Investigation is going on and the proper investigation by the police is required for interrogation of the present petitioner in this case.

7. Considering the aforesaid facts and circumstances of the case and submissions of learned counsel for the parties as well as involvement of the petitioner in the alleged commission of seriousness of offence, I am not inclined to grant bail to the petitioner.

8. Accordingly, the application stands dismissed.

(Ramesh Chand Malviya, J)

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