

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56405 of 2025

Arising Out of PS. Case No.-96 Year-2025 Thana- MUSAHARI District- Muzaffarpur

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Anshu Kumar S/o Late Anil Mahto R/o Village- Bankul Chhapra, P.S.-
Mushahari, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Yugal Kishore, Advocate

For the Opposite Party/s : Mr. Nawal Kishore Prasad, A.P.P

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 27-08-2025 Heard learned counsel for the petitioner, learned A.P.P
for the State and learned counsel for the informant.

2. The petitioner is apprehending arrest in connection with Mushahari P.S. Case No. 96 of 2025 lodged on 07.05.2025, for the offence punishable under Sections 103(1) & 3(5) of the Bharatiya Nyaya Sanhita, 2023 read with section 27 of the Arms Act, pending in the Court of Judicial Magistrate 1st Class, Court no.12, East Muzaffarpur.

3. As per the prosecution, FIR has been lodged against five named accused persons including the present petitioner. It has been alleged by the informant that his nephew Raushan on 06.05.2025 at 08:00 PM informed that his nephew Mithilesh has



been shot and is under treatment at Parasar Hospital, Muzaffarpur, accordingly the informant reached the hospital when doctors informed that Mithilesh died, further on inquiry, it was disclosed that his nephew had gone to the house of Ranjeet for attending a feast, from where the petitioner took him to the house of Basant, where Anuj, Param Ram Sharma, Ranjeet and Nishant were present from before and there was a scuffle between his nephew and the accused persons. Further on orders of accused Param Ram Sharma, accused Anuj took out his pistol and gave it to the petitioner, who shot the deceased. Thereafter, the accused persons took him to the Parasar Hospital and on coming to know that Mithilesh died, they fled.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. Counsel submits that it is true that the allegation is made in the FIR that the petitioner has fired on the chest by pistol. He submits that from minute reading of the FIR, it become crystal clear that the FIR is based on hear-say evidence and nobody was eye-witness to the alleged occurrence. Counsel further submits that the petitioner has one criminal antecedent which is registered under Excise Act in which he is on bail. Counsel submits that the petitioner is a victim in this case and his name has unnecessarily



been inserted in this case by his enemies. Counsel submits that one of the accused has been granted anticipatory bail by the Co-ordinate Bench of this Court *vide* order dated 21.08.2025 passed in Cr. Misc. No.54367 of 2025. Counsel submits that in the said case, the Co-ordinate Bench has considered the entire situation and factual matrix of the case and granted anticipatory bail.

5. Learned counsel for the informant vehemently opposes the prayer for bail and submits that the petitioner is not innocent and there is direct allegation against him in the FIR. Counsel submits that the Co-ordinate Bench has acknowledged in para no.4 of the said order that the firing has been made by the accused Anshu Kumar who is the petitioner in this case.

6. Learned APP for the State opposes the prayer for bail of the petitioner and submits that the present case pertains to murder case in which name of petitioner has come.

7. In the present facts and circumstances, this Court is not inclined to grant bail to the petitioner. Accordingly, the prayer for anticipatory bail of the petitioner is hereby rejected with liberty granted that if, petitioner surrenders before the concerned Trial Court within a period of six weeks from today then in that case, the Trial Court is directed to pass order on his surrender-cum-bail application on the same day, without being



prejudice that the anticipatory bail of the petitioner has been rejected by this Court and the Trial Court shall pass order on the merit of this case.

(Dr. Anshuman, J)

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