

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68510 of 2024

Arising Out of PS. Case No.-254 Year-2024 Thana- SULTANGANJ District- Bhagalpur

Dilkhush Kumar @ DilKhush S/o Katiman Yadav R/o village - Nawada, P.S. -
Sultanganj, Dist. - Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Davendra Kumar Pandey, Advocate

For the Opposite Party/s : Mr.Sanjay Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 16-04-2025 Heard Mr.Davendra Kumar Pandey, learned counsel
for the petitioner and Mr.Sanjay Kumar Pandey, learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Sultanganj P.S. Case No. 254 of 2024, dated 31.05.2024 registered for the offences punishable under Sections 326,306,307,34 of IPC and Section 25(1-b)a/26/27 of Arms Act and subsequently Section 302 of IPC was added.

3. Allegation against the petitioner is that he alongwith other co-accused Lalu Kumar fired a bullet upon Ritesh Kuamr due to which he got stomach injury.

4. Learned counsel appearing for the petitioner submits that the petitioner has clean antecedent. He has falsely been implicated in the present case. As per allegation in the FIR,



the petitioner alongwith co-accused person, namely, Lalu Kumar have fired upon the victim and Lalu Kumar apprehended by the local people and the petitioner has fled away from the place of occurrence. Learned counsel for the petitioner submits that the allegation as alleged in the FIR is false and fabricated and the petitioner has not committed any offence as alleged in the FIR. The statement of co-accused person, namely, Lalu Kumar was recorded in paragraph-15 of the case diary in which he has categorically stated that he has fired upon the victim and apart from that, the restatement of the informant was recorded in paragraph-54 of the case diary in which he has also categorically stated that co-accused person, namely, Lalu Kumar has fired upon the victim.

5. Learned A.P.P. for the State has vehemently opposed the prayer for anticipatory bail of the petitioner.

6. Considering the aforesaid facts, petitioner has clean antecedent, co-accused person, namely, Lalu Kumar as well as the informant have recorded their statement that co-accused person, namely, Lalu Kumar has fired upon the victim although the petitioner was accompanied with co-accused person, namely, Lalu Kumar and specific allegation of firing is attributed against co-accused person, namely, Lalu Kumar, let the



petitioner, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs.10,000 (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M. 1st Class, Bhagalpur in connection with Sultanganj P.S. Case No. 254 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

(I) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(II) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(III) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his/her criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the



acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

Nitesh/-

U		T	
---	--	---	--

