

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74119 of 2024**

Arising Out of PS. Case No.-351 Year-2024 Thana- LAKHISARAI District- Lakhisarai

Kaushal Kumar Son of Khairu Yadav @ Dhanushdhari Yadav @ Dhanukdhari
Yadav village- Kurouta, Ps- Lakhisarai, Dist- lakhisarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Krishna Pd. Singh, Sr. Advocate
Mr. Rajnish Chandra, Advocate
For the Opposite Party/s : Mr. Shailendra Kumar, App
Mr. Rabi Bhushan, Advocate
MS. Rakhi Kumari, Advocate
Mr. Ankit Kumar Jha, Advocate

**CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER**

4 27-02-2025 Heard the learned senior counsel for the petitioner; Sri
Krishna Pd. Singh and the learned APP appearing for the State.

2. The petitioner apprehends his arrest in connection
with Lakhisarai P.S. Case No. 351 of 2024 registered for
offences under Sections 302/34 of the Indian Penal Code.

3. As per the prosecution case, petitioner is alleged to
have participated in the killing of the deceased.

4. Mr. Krishna Pd. Singh, learned senior counsel for
the petitioner has taken this Court to paragraph no. 26 of the
case diary which is a statement of a child witness namely
Abhinav, who is 9 years old. He is the son of the deceased. He
has given the details of the crime committed by the co-accused



Gulshan Kumar. He has said that co-accused Gulshan Kumar had strangled his mother. Thereafter the present petitioner came and took him and his brother to their grandmother's (*Nani*) house.

5. The learned counsel for the informant has vehemently opposed the prayer for anticipatory bail and has submitted that the regular bail application of co-accused Gulshan Kumar has been rejected and the petitioner is the brother of the co-accused Gulshan Kumar and he is also accused in the crime.

6. I have considered the submissions of the parties.

7. From the statement of the child witness it appears that the petitioner was not involved in killing of the deceased but he had taken the minor children to their grandmother's house.

8. Considering the aforesaid facts and circumstances, this application is allowed.

9. Accordingly, let the petitioner, above-named, in the event of his arrest or surrender within four weeks from today in the Court below, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial



Magistrate, Lakhisarai/concerned court below in connection with Lakhisarai P.S. Case No. 351 of 2024 subject to the conditions as laid down under Section 438 of the Code of Criminal Procedure.

10. This application for anticipatory bail stands allowed.

(Sandeep Kumar, J)

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