

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79152 of 2025

Arising Out of PS. Case No.-243 Year-2024 Thana- FATUA District- Patna

=====

Jitendra Kumar S/O Rajballabh Singh R/O Vill.- Surangapur,P.S-
Fatuha,Dist.- Patna

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

=====

Appearance :

For the Petitioner : Ms. Kahkashan Alam, Advocate

For the Opposite Party : Mr. Chandra Sen Prasad Singh, APP

=====

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 01-12-2025 Heard Ms. Kahkashan Alam, learned Advocate for
the petitioner and Mr. Chandra Sen Prasad Singh, learned
Additional Public Prosecutor for the State.

2. The petitioner apprehends his arrest in connection
with Fatuha P.S. Case No. 243 of 2024, registered for the
offences punishable under Sections 307/34 of the Indian Penal
Code.

3. In the night of the fateful day, allegedly, all the FIR
named accused persons including the petitioner, 12 in number,
along with others have surrounded the husband of the informant
and fired upon him. It is specifically alleged that co-accused
Mithilesh Kumar fired over the chest of the informant's
husband, whereas Akhilesh Kumar fired upon the abdomen and
Ranjan Kumar in the waist, due to which he sustained three
bullet injuries.



4. Learned Advocate for the petitioner submitted that that from the narratives made in the FIR, it is evident that the informant was not an eyewitness to the alleged occurrence and moreover the entire prosecution case falls to ground for the simple reason that during the course of investigation the police has not found the case true against some of the accused persons, including Akhilesh Kumar against whom there was specific allegation of causing firearm injury; besides the other two accused persons, namely, Vikash Kumar and Amar Kumar. Considering the aforesaid facts, the other accused persons, who are facing similar allegations, they have been allowed the privilege of anticipatory bail by a Bench of this Court in Cr. Misc. No. 6480 of 2025 vide order dated 19.02.2025, copy of which is placed on record as Annexure-3 to the bail application. The petitioner bears fair antecedent and he undertakes that he will fully cooperate in the proceeding of the court.

5. On the other hand, learned Advocate for the State vehemently opposed the bail application and submitted that there is specific allegation of complicity of the petitioner in causing firearm injury to the husband of the informant.

6. Having considered the submissions advanced by the learned Advocates for the respective parties and taking note



of the fact that during the course of investigation, the prosecution case is doubted and three of the persons having not been sent up for trail; besides the fact that the case of the petitioner is based on parity with those who have been accorded the privilege of anticipatory bail by a coordinate Bench of this Court, let the petitioner abovenamed be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-II, Patna City, in connection with Fatuha P.S. Case No. 243 of 2024, subject to the conditions laid down in Section 482(2) of the Bharatiya Nagrik Suraksha Sanhita, 2023, with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

Pawan/-

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

