

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85584 of 2024

Arising Out of PS. Case No.-139 Year-2023 Thana- AGAMKUAN District- Patna

Shyam Kumar @ Gurujit Kumar S/O Sri Vinod Singh R/O Village- Marcha,
P.S- Bypass, Marcha, Patna, Distt.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs. Kanchan Kumari, Advocate

For the Opposite Party/s : Mr. Ahmad Ali, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 21-01-2025 Heard the learned Advocate for the petitioner, the

learned Advocate for the informant and the learned APP for the

State.

2. The petitioner apprehends his arrest in connection
with Agamkuan P.S. Case No. 139 of 2023, registered for the
offences punishable under Sections 302 and 120(B) of the
Indian Penal Code and Section 27 of the Arms
Act.

3. Based upon the written report, it is alleged that
while the informant and his brother were returning to home
along with their friends on two motorcycles, in the meantime,
all the FIR named accused persons, including the petitioner and
some unknown persons intercepted them. It is further alleged
that *Roushan Sharma, Anand Prakash @ Mukhiya Jee, Ram*



Pravesh Mahto and *Satyendra Singh* fired upon the brother of the informant, resulting into his instantaneous death. Further allegation has been levelled that while the informant tried to rescue his elder brother, co-accused *Sanny Kumar*, *Munna Yadav* and this petitioner forbade him on the point of pistol and also made firing, but fortunately, the same did not hit to anyone.

4. Learned Advocate for the petitioner contended that there is a delay in lodging of the FIR and in fact, the informant is not an eyewitness to the alleged occurrence, but only with a view to implicate the name of the persons, with whom, there had been enmity, the present FIR has been instituted. From the narrations made in the FIR, it is also evident that occurrence took place at 11:05 in the night, despite, the incidence has been stated so precisely as to who fired on which portion of the body of the deceased, makes the entire prosecution case doubtful. The petitioner bears fair antecedent and he undertakes that he will fully co-operate in the proceeding of the Court.

5. On the other hand, learned counsel for the State as well as the informant opposed the pre-arrest bail application and submits that the petitioner has actively participated in the crime. Moreover, the process under Sections 82 and 83 has already been issued. It is lastly contended that one of the co-accused



person with identical allegation has approached before this Court for grant of anticipatory bail and his prayer for bail has been turned down by this Court in Cr. Misc. No. 36758 of 2023 dated 27.07.2023.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the case of the petitioner is on identical footing to that of *Munna Yadav* whose prayer for pre arrest bail has already been negated, and allegedly petitioner has actively participated in the crime, coupled with the fact that the process under Sections 82 and 83 has already been issued, this Court is not acceded to the prayer for bail of the petitioner.

7. Accordingly, the bail application stands rejected.

(Harish Kumar, J)

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