

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84256 of 2024

Arising Out of PS. Case No.-110 Year-2024 Thana- KADIRGANJ District- Patna

Anil Kumar, (Male), aged about 45 years, S/O Late Ramjatan Prasad, R/O-
Vill- Redvigha, P.S- Dhanapur, Distt- Patna

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Rajesh Ranjan, Advocate
For the Informant : M/S. Paras Nath and Mukesh Kumar, Advocates
For the Opposite Party : Mr. Mithlesh Kumar Khare, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

3 24-03-2025 Heard learned counsel for the petitioner, learned
counsel for the informant and learned A.P.P. for the State.

2. The petitioner seeks bail in connection with
Kadirganj P.S. Case No. 110 of 2024 dated 20.07.2024
registered for the offences punishable under Sections 103(1),
61(2) read with Section 3(5) of the BNS and Section 27 of the
Arms Act.

3. As per the prosecution case, on 20.07.2024 at about
2.30 P.M., the informant's son, Chandan Kumar, went to
Masaurhi alongwith the co-accused Sanjeev Kumar @ Gandhi
Jee, Sonu Kumar on the motorcycle. It is further alleged that at
about 4.30 P.M., the informant got information that on the
instigation and order of Anil Kumar (petitioner), the co-accused



Sanjeev Kumar @ Gandhi Jee, Sonu Kumar and Monu Kumar caused death of the informant's son by gun shot injury on his chest. The informant went to Masaurhi Hospital where he found that this son was lying dead there.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. It is submitted that there is no eye witness to the alleged offence. It is further submitted that the real fact is that the co-accused Sanjeev Kumar and Sonu Kumar were going to Masaurhi where they found the deceased in injured condition and both were well acquainted with the deceased, therefore, they brought him to Sub Divisional Hospital, where he was declared dead. There is no specific allegation of assault on the deceased against the petitioner rather there is general and omnibus allegation against the petitioner. There is no motive assigned behind the occurrence in the F.I.R. The petitioner is only an order giver. The petitioner has falsely been implicated in the present case due to political rivals. The petitioner has fifteen (15) criminal antecedents in which he is on bail as stated in paragraph no. 3 of the bail petition. He is in custody in this case since 12.09.2024.

5. Learned A.P.P. for the State and learned counsel for



the informant have vehemently opposed the bail petition of the petitioner. Learned counsel for the informant has further submitted that in paragraph no. 28 of the case diary, it has been mentioned that Investigating Officer has sent a letter to Technical Branch for producing of C.D.R. of the petitioner and the other co-accused persons and in paragraph no. 51 of the case diary, it has also been mentioned that from perusal of Mobile No. 9939560385 of the co-accused Sonu Kumar, it appears that on the alleged date of occurrence, tower location of that mobile is near the co-accused Sanjeev Kumar, village- Tarwa, P.O. Panditganj. There was also conversation made between the co-accused Sonu Kumar and Anil Prasad (petitioner) through their mobiles.

6. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-First Class, Masaurhi, Patna in connection with Kadirganj P.S. Case No. 110 of 2024 with further conditions:-

(I) The petitioner is directed to remain physically present before the learned court



below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bonds of the petitioner are liable to be cancelled.

II. If the petitioner is found involved in similar nature of offence in future, his bail bond is liable to be cancelled.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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