

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.87676 of 2024

Arising Out of PS. Case No.-262 Year-2024 Thana- SAKRA District- Muzaffarpur

Rupesh Kumar Son of Amar Nath Kumar Resident of Vill- Laxmipur, P.S.-
Bariyarpur (Wrongly Written P.S.- Sakra), District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar Roy, Advocate

For the Opposite Party/s : Mr. Bhanu Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 19-03-2025 Heard Mr. Anil Kumar Roy, learned counsel for the

petitioner and Mr. Bhanu Pratap Singh, learned APP for the

State.

2. Petitioner seeks bail, who is in custody since
10.06.2024, in connection with Sakra P.S. Case No. 262 of
2024, F.I.R. dated 14.05.2024 registered for the offences
punishable under Sections 302/34 of the Indian Penal Code and
Section 27 of the Arms Act.

3. As per prosecution case, on 13.05.2024 at about
5:55 AM, while informant along with her husband were going
for morning walk, in the meantime, all the F.I.R. named accused
persons made indiscriminate firing due to which husband of the
informant sustained injury and subsequently, he died during
course of treatment.



4. Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has been falsely implicated in the present case. He further submits that it appears from the F.I.R. itself that the date of occurrence as alleged in the F.I.R. is 13.05.2024 at about 5:55 AM but the present F.I.R. was instituted on 14.05.2024 after delay of more than 24 hours and the petitioner is relative to one Khushbu Kumari and a land dispute is going on between the informant and Khushbu Kumari and the name of the petitioner has been implicated afterthought only to falsely implicate the petitioner and nothing has come during investigation to suggest the involvement of the petitioner and who has fired upon the husband of the informant is not clear. He further submits that co-accused person namely Kaushal Kumar has been granted the privilege of bail by a Coordinate Bench of this Court vide order dated 27.01.2025 passed in Cr. Misc. No. 84032 of 2024, another co-accused person namely Khusbu Kumar @ Khushbu Kumar has been granted bail by a Coordinate Bench of this Court vide order dated 05.03.2025 passed in Cr. Misc. No. 8053 of 2025 and the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 10.06.2024.



5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner.

6. Considering the facts and circumstances of the case and the fact that the petitioner having clean antecedent and there is no specific allegation against the petitioner in the F.I.R. as well as co-accused persons have been granted the privilege of anticipatory bail or regular bail by a Coordinate Bench of this Court, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M. 15th (East Muzaffarpur) in connection with Sakra P.S. Case No. 262 of 2024, subject to the following conditions :-

(1) 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 absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

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



(3) 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 criminal antecedents, 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)

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