

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.89601 of 2024

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

Anish Kumar, aged about 23 years, Male, S/O Vinay Rai, R/O vill.- Kulelshra
Dih, P.S- Sakra, Dist.- Muzaffapur

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Manoj Kumar Manoj, Advocate
For the Opposite Party : Mr. Ram Bilash Roy Raman, A.P.P.

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

ORAL ORDER

4 01-05-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with Sakra P.S.
Case No. 262 of 2024 dated 14.05.2024 registered for the
offences punishable under Section 302 read with Section 34 of
the I.P.C. and Section 27 of the Arms Act.

3. As per the prosecution case, on 13.05.2024 at about
5.55 P.M., while the informant alongwith her husband was
going for morning walk, in the meantime, all the F.I.R. named
accused persons made indiscriminate firing, due to which, the
informant's husband sustained injury and subsequently he died
during the course of treatment.

4. Learned counsel for the petitioner has submitted that



the petitioner is innocent and has falsely been implicated in the present case. The petitioner is not named in the F.I.R. His name has surfaced in the present case on the basis of the confessional statement of the co-accused Mahesh Rai which has got no evidentiary value in the eyes of law. It is further submitted that the informant claims to identify the accused persons but till date no T.I. Parade has been conducted by the police to identify the petitioner. It is further submitted that except confessional statement of the co-accused Mahesh Rai, there is no other substantive evidence to suggest the implication of the petitioner in the present case. The alleged recovery of pistol and other articles have not been recovered from the house of the petitioner rather the same has been recovered from the village- Hussepur. No incriminating article has been recovered from his possession. There is no specific allegation against the petitioner. There is general and omnibus allegation against the petitioner. It is further submitted that the other co-accused person, Mahesh Rai, has already been granted bail by a Bench of this Court vide Cr. Misc. No. 19228 of 2025 under order dated 28.03.2025. The petitioner has one criminal antecedent as stated in paragraph no. 3 of the bail application. The petitioner is in custody in this case since 20.07.2024.



5. Learned A.P.P. for the State has vehemently opposed the prayer for bail petition of the petitioner.

6. Considering the aforesaid facts and circumstances of the case as well the period of custody, let the above named petitioner, 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 the learned A.C.J.M.- 15th, Muzaffarpur in connection with Sakra P.S. Case No. 262 of 2024 with further condition:-

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.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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