

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.374 of 2025

Arising Out of PS. Case No.-186 Year-2019 Thana- BUXAR MUFFSIL District- Buxar

Rajnish Gupta @ Rajnish Kumar Gupta S/o Birendra Sah R/o Village-
Parasarha, P.S.- Itarhi, District- Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mrs. Dimpal Kumari, Adv.
For the Opposite Party/s	:	Mr. Sanjay Kumar Tiwary, APP
For the Informant	:	Mr. Anand Kumar Ojha-1, Adv.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 23-01-2025 1. Heard learned Counsel for the petitioner and
learned APP for the State.

2. This application, for grant of anticipatory bail,
arises out of Buxar (Mufasil) P.S. Case No. 186 of 2019,
disclosing offences punishable under Section 302, 34, 120(B) of
the Indian Penal Code and 27 Arms Act.

3. The prosecution story, as per the First Information
Report, is that on 04.07.2019 in the morning, while the
informant's brother was going on a motorcycle along with
Munna Kumar Singh, all of a sudden, accused persons including
petitioner came there on two motorcycles and co-accused shot
the brother of the informant on his head, due to which, he fell
down and died. The petitioner was sitting on the motorcycle at



the time of occurrence.

4. Learned Counsel for the petitioner submits that the petitioner has been made accused due to previous enmity between the parties and for which, Itarhi P.S. Case No. 69 of 2012 has been filed. He further submits that the police, after investigation, submitted final form on the ground of lack of evidence against the petitioner and charge-sheet against other accused persons. The final form was submitted on 31.12.2023 but the learned Magistrate, differing with the final form, took cognizance against the petitioner along with other under Sections 302/34, 120 (B) of the Indian Penal Code and Section 27 of the Arms Act on 08.04.2024. The similarly situated co-accused persons have been granted anticipatory bail by this court in Cr.Misc. No. 78190 of 2024.

5. Learned counsel for the informant vehemently opposed the prayer for anticipatory bail and submits that petitioner was sitting on a motorcycle, which was used at the time of occurrence by the co-accused persons. He also submits that the occurrence has taken place due to the fact that deceased was the witness in a case lodged by his cousin against the petitioner in Itarhi P.S. Case No. 69 of 2012. The anticipatory bail application of the co-accused Aniket Gupta has been



rejected by this Court in Cr. Misc No. 78190 of 2024 on the ground that he was found sitting on the motorcycle which was used at the time of occurrence.

6. Regard being had to the submissions made on behalf of the parties and taking into consideration the fact that the petitioner was seen sitting on the motorcycle at the time of occurrence, when bullet was fired by one of the accused upon the deceased, I am not inclined to exercise my discretion for grant of anticipatory bail.

7. This application is, accordingly, dismissed.

(Anil Kumar Sinha, J)

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