

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2499 of 2025

Arising Out of PS. Case No.-71 Year-2024 Thana- SAUR BAZAR District- Saharsa

Anad Kumar @ Anand Kumar @ Anand Kumar Sah Son of Ramveer Sah
village- Ithara Ward no. 5, Ps- Baijnathpur, Ps- Saur Bazar, dist- Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amarnath Jha, Advocate

For the State : Mr. Kumar Veerendra Narayan, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 28-02-2025 Heard the parties.

2. The petitioner seeks regular bail, who is in custody in connection with Saur Bazar (Baijnathpur OP) P.S. Case No. 71 of 2024 registered for the offence punishable under Sections 302, 34 of the Indian Penal Code and Section 27 of the Arms Act.

3. The prosecution case is based on the fardbeyan of the informant, alleging therein, that allegedly on 22.01.2024, while the informant along with his father was sleeping on the same bed. In the meantime, at around 12 midnight, the petitioner along with other four named accused persons and 5-6 unknown persons variously armed came there and made indiscriminate firing. It is specifically alleged, exhortation made by co-accused Shankar Sah, all the accused persons present there made indiscriminate firing. It is further alleged that the



bullet fired by the petitioner along with co-accused Mantu Kumar and Shankar Sah hit on the head of his father leading to instantaneous death. The informant anyhow saved himself. Thereafter, accused persons left the place. The reason behind the occurrence is said to be the rivalry of Mukhiya election.

4. Learned Advocate for the petitioner, referring to the materials available on record submitted that the informant claimed to be an eye-witness to the alleged occurrence. But, surprisingly, soon after the occurrence the police reached at the place of occurrence and prepared the inquest report at around 8:25 A.M and the postmortem has also been conducted but, at no point of time, the *fardbeyan* of the informant was recorded nor he filed a written report, albeit, the FIR has been instituted at 10:15 in the night of 23.01.2024. The postmortem report also does not corroborate the allegation in as much as only one bullet injury has been found whereas there is specific allegation of firing against three accused persons. Taking note of all these discrepancies, the police has submitted final form showing some of the accused persons as innocent; though, differing with the final report, learned Court has taken cognizance for the offence against them. The co-accused Shankar Sah with whom identical allegation has been levelled has been allowed the regular bail by



this Court in Cr. Misc. No. 76935 of 2024 vide order dated 17.01.2025. The petitioner also seeks parity with that of co-accused Shankar Sah.

5. On the other hand, learned APP for the State vehemently opposes the bail application and submits that there is specific allegation of causing fire arm injury over the head of the victim leading to instantaneous death.

6. Regard being had to the submissions made on behalf of the parties and considering the materials available on record especially the postmortem report which does not corroborate the allegation in as much as the police has not found the veracity in the allegation leveled by the informant coupled with the fact that the case of the petitioner is based on parity and the investigation of the crime is completed and the charge-sheet has been submitted, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-11, Saharsa in connection with Saur Bazar (Baijnathpur OP) P.S. Case No. 71 of 2024, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the



trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) 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 antecedent, the court below shall take immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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