

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2944 of 2025

Arising Out of PS. Case No.-415 Year-2024 Thana- KHAGARIA District- Khagaria

Jyotish Kumar @ Rupesh @ Rupesh Kumar S/o Achchhelal Mahto @
Achchhelal Patel R/o Village- Mathurapur, Ward No.09, P.O.- Mathurapur,
P.S.- Khagaria (Town P.S.), District- Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Mr. Shekhar Kumar Singh, Advocate
For the State	:	Mr. Mukesh Kumar Singh, APP
For the Informant	:	Mr. Manoj Kumar Singh, Advocate

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 11-04-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State. Perused the case diary.

2. The petitioner apprehends his arrest in connection
with Khagaria P.S. Case No. 415 of 2024 registered for the
offences punishable under Sections 109, 61(2), 3(5), 103(1) of
the Bharatiya Nyaya Sanhita, and Section 27 of the Arms Act.

3. As per prosecution case, three unknown accused
persons shot the son of the informant due to which he was
severely injured and later on died.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence as alleged
against him and has falsely been implicated in the present case.



Petitioner is not named in the FIR. Name of the petitioner has transpired in this case in course of investigation that too on the disclosure made by spy which is not corroborated by any evidence. Informant is not an eye witness to the occurrence. The petitioner has no connection with the deceased, land dispute or co-accused involved in the incident. He is merely a farmer and the allegations against him are false and baseless. Petitioner bears two criminal antecedents. Other co-accused has been granted bail by this Court vide order dated 26-03-2025, passed in Cr. Misc. No. 7398 of 2025.

5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner. Referring to paragraph No. 128 of the case diary, it is submitted that spy has specifically disclosed the name of the petitioner and has stated that it is the petitioner who has made firing. It is next fervently submitted by referring to paragraph No. 144 of the case diary that mobile tower location of the petitioner was found near the place of occurrence.

6. Considering the aforesaid facts and circumstances of the case as also the nature and gravity of offence, in my view, this is not a fit case for grant of anticipatory bail, hence, I am not inclined to grant anticipatory bail to the petitioner.



7. Accordingly, the prayer for grant of anticipatory bail to the petitioner is, hereby, *rejected*.

8. However, if the petitioner surrenders before the court below within a period of four weeks from today and prays for regular bail, the same would be considered by the court below in accordance with law without being prejudiced by the order of this Court.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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