

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.21070 of 2026**

Arising Out of PS. Case No.-200 Year-2022 Thana- SHANKARPUR District- Madhepura

Raju Kumar Son of Ashok Yadav Resident of Village- Naulakhiya, Ward No. 02, P.S.- Madhepura, District- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Md Fazle Karim, Adv.

For the Opposite Party/s : Mr. Rajiv Nayan, APP

**CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR**  
**ORAL ORDER**

4      13-07-2026                      Heard Md. Fazle Karim, learned Advocate for the petitioner and learned Additional Public Prosecutor for the State.

2. The petitioner apprehends his arrest in connection with Shankarpur P.S. Case No. 200 of 2022, registered for the offences punishable under Sections 302 and 34 of the IPC and Section 27 of the Arms Act.

3. The prosecution case, in brief, is that the marriage of the informant's daughter was solemnized with the co-accused Domi Kumar @ Avinash Kumar in the year 2011 and the couple also gave birth to two children. However, they had not been in a good relationship and on account of illicit relationship of co-accused Domi Kumar @ Avinash Kumar with another lady, the daughter of the informant was subjected to torture and forced to live at her parental home. On 06.11.2022, the husband of deceased came to his sasural and took away the deceased, Dazy



Kumari with him by pretending that he would keep her with full honour and dignity, but subsequently the deceased telephonically informed the informant, that she was shot dead.

4. Learned Advocate for the petitioner taking this Court through the FIR specifically contended that it is admitted position that on the alleged date and time of occurrence, it is the co-accused Domi Kumar @ Avinash Kumar, who had taken away the daughter of the informant and later on, she was shot dead. The petitioner has no concern with the co-accused or with the incidence, as only on account of the fact that previously he happened to be a friend of Domi Kumar @ Avinash Kumar, his name has been implicated in this case, without there being any cogent material, showing his complicity in the crime. The police during the course of investigation has found nothing against the petitioner and accordingly he has not been sent for trial. To support the aforesaid contention, final form/report has been placed on record as Annexure-2 to the application. Differing with the final report, however, the learned jurisdictional Court has taken cognizance for the offence as alleged in the FIR. The said cognizance order is said to be without application of mind and on misconception that the police has submitted final report against the petitioner. The petitioner also bears fair antecedent.

5. On the other hand, learned Advocate for the State vehemently opposed the bail application.

idered the submissions advanced by



the learned Advocates for the respective parties and taking note of the fact that the police after investigation, submitted final form showing the petitioner as innocent. Notwithstanding the fact, the learned jurisdictional Court has taken cognizance of the offence as alleged in the FIR, coupled with the fact that the entire allegation revolves around co-accused Domi Kumar @ Avinash Kumar, and no material has been collected against the petitioner, besides his fair antecedent, let the petitioner above named be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Madhepura in connection with Shankarpur P.S. Case No. 200 of 2022, subject to the conditions laid down in Section 482(2) of the Bharatiya Nagrik Suraksha Sanhita, 2023, with the further condition that one of the bailors shall be the own/close family members of the petitioner.

**(Harish Kumar, J)**

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