

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40827 of 2026

Arising Out of PS. Case No.-3 Year-2022 Thana- CHERIYA BARIYARPUR District-
Begusarai

=====

Abhinav Kumar Son of Ajay Kunwar @ Ajay Shankar Kunwar @ Ajay
Shankar Sharma R/o Village - Binodpur, P.S. - Singhaul, Dist. - Begusarai.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

=====

Appearance :

For the Petitioner/s : Mr.Amaresh Kumar, Advocate

For the Opposite Party/s : Mr.Shailendra Kumar Singh, APP

=====

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 25-06-2026 Heard learned counsel appearing for the petitioner and

learned A.P.P. for the State.

2. This is the second anticipatory bail petition preferred by the petitioner after rejection of his first prayer of anticipatory bail through Cr. Misc. No. 77592 of 2023 dated 21.06.2024 in connection with Cheriya Bariyarpur P.S. Case No. 03 of 2022 registered for the offence under section 302/34 of the I.P.C. and Section 27 of the Arms Act.

3. The present second prayer of anticipatory bail was preferred on the sole ground that the petitioner was not sent up for trial, as police submitted closure report against the petitioner vide charge-sheet No. 153/2022 dated 22.07.2022, but the same was not taken care of by the learned coordinate Bench while passing the order in Cr. Misc. No. 77592/2023.



4. The allegation against petitioner is that he along with other co-accused persons have committed the murder of father of the informant, where petitioner was seen at the place of occurrence during his escape alongwith other co-accused persons.

5. Learned counsel for the petitioner submitted that at the time of occurrence in the house of informant, her maternal uncle was also present. It is submitted that only one accused was noticed by the informant (daughter of the deceased), who was Lalan Singh, but as her maternal uncle was in another room of the house, he identified rest of the two persons, who were not identified by the informant. This petitioner was one of them who is none but the co-villager of the maternal uncle of the informant with whom land dispute is pending, leading to his false implication with the present crime in question.

6. It is submitted that considering all aforesaid aspects and CDR, police submitted closure report against the petitioner.

7. Learned A.P.P. for the State, while opposing the prayer of anticipatory bail of the petitioner, submitted that charge-sheet was submitted on 22.07.2022, whereas prayer of anticipatory bail of the petitioner was rejected vide order dated 21.06.2024 passed in Cr. Misc. No. 77592/2023 and, therefore,



petitioner had all occasion to raise these arguments before this Court at relevant point of time.

8. It is submitted by Learned A.P.P. that now this argument should not be accepted for the reason that same was available with the petitioner at the time of hearing of his earlier prayer of anticipatory bail. It is further submitted by learned A.P.P. that the occurrence is heinous in nature, where petitioner was identified by one of the witness fleeing away immediately after the occurrence alongwith other co-accused persons and as such there is no occasion to reconsider the present second prayer of anticipatory bail of the petitioner.

9. In view of aforesaid factual submission and by taking note of the fact as the closure report, as submitted aforesaid, was already available with the petitioner at the time of rejection of his first anticipatory bail, therefore, there is no occasion to reconsider the prayer of anticipatory bail of the petitioner on second occasion, accordingly, prayer of anticipatory bail of the petitioner stands rejected on second consideration also.

(Chandra Shekhar Jha, J)

Rajeev/-

U		T	
---	--	---	--

