

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73071 of 2025

Arising Out of PS. Case No.-40 Year-2025 Thana- JANDAHA District- Vaishali

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Ashutosh Kumar @ Krishna Kumar @ Krishna S/o Kamleshwar Singh
Resident of Bahasi Damodar Ward No. 1, P.S.- Jandaha, District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Gautam Raja, Advocate
For the Opposite Party/s : Mr. Shailendra Kumar, APP

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

ORAL ORDER

3 09-02-2026 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest in connection
with Jandaha P.S. Case No. 40 of 2025 instituted for the
offences under Sections 103(1), 238, 3(5) of the Bharatiya
Nyaya Sanhita, 2023.

3. Allegation against the accused persons including the
petitioner is of commission of murder of the informant's son.

4. Learned counsel for the petitioner submitted that the
petitioner has falsely been implicated in the present case.
Learned counsel for the petitioner submitted that general and



omnibus allegation has been made against the petitioner. No specific overt act is alleged against the petitioner. Learned counsel further submitted that from perusal of the FIR, it appears that co-accused Shivam Paswan is alleged to have an altercation with the deceased and his brother had threatened to kill the deceased a few days before the incident and so far as the present petitioner is concerned, he has no concern with the accused person. It has been submitted on behalf of the petitioner that the petitioner has no criminal antecedent.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner stating that petitioner is named in the FIR and as per the material available in the case diary there is active involvement of the petitioner in the commission of murder of the deceased.

6. Considering the aforesaid facts and circumstances of the case, material against the petitioner in the case diary as also nature and gravity of offence, this Court is 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 learned court below within a period of six weeks from today and



prays for regular bail, the same shall be disposed of on its own
merit without being prejudiced by this order.

(Rudra Prakash Mishra, J)

Alok Verma/-

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