

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85079 of 2019

Arising Out of PS. Case No.-46 Year-2018 Thana- BETTIAH CITY District- West
Champaran

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NEERAJ @ NEERAJ KUMAR @ NEERAJ RAM @ NEERANJAN RAM
Son of Dukhi Ram Resident of Mohalla - Baswaria, P.S.- Bettiah Town,
District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ashok Kumar Gupta

For the Opposite Party/s : Mr.Lalan Kumar

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

4 27-08-2020 Heard both sides through Video Conferencing.

The petitioner apprehends his arrest in Bettiah Town
P.S. Case No.46 of 2018 registered under Sections 147, 148, 149,
341, 323, 302 and 307 of the Indian Penal Code.

The informant, Krishna Prasad Yadav alleged that his
nephew Vikash Kumar was returning from college and when he
reached near Bengali Colony Chowk, Vishal Pandey began to
abuse. Vishal Pandey and his friends, Chhotu Ram @ Vikash
Ram, Ashish Kumar, Pritam Kumar and others assaulted his
nephew and Kumar Sanu. The nephew of the informant was
declared dead in the hospital.

The learned counsel for the petitioner submits that
petitioner is not named in the F.I.R. During the course of



investigation, the name of the petitioner transpired in the case but the witnesses simply stated that the petitioner was also found at the place of occurrence. Similarly situated co-accused Rajnish Kumar @ Atul Kumar, Aman Kumar @ Ranjan have been granted anticipatory bail by a co-ordinate Bench of this Court. The case of the petitioner stands on the same footing. Two other accused persons namely, Shani Kumar @ Shani Jaiswal and Chhotu Ram have been granted regular bail.

Learned A.P.P. opposed the prayer for anticipatory bail.

Perused the F.I.R. and the case diary. Of course, the petitioner is not named in the F.I.R. but during the course of investigation, the witnesses including Kumar Sanu(the injured) disclosed that the petitioner was also one of the assailants. Chhotu Ram, Aman Kumar, Ashish Kumar, Rajnish Kumar, Neeranjan Ram and 10-15 others assaulted the nephew of the informant and Kumar Sanu. The injured Kumar Sanu also disclosed this fact in para 21 of the case diary that petitioner was also involved in assaulting the deceased and also assaulted Kumar Sanu. The C.C.T.V. footage was installed at the house of Sunil Kumar and from C.C.T.V., the petitioner was identified as one of the assailants of the deceased and the injured. Many other



witnesses have also reiterated this fact.

Taking into consideration the facts aforesaid, I am not inclined to enlarge the petitioner on anticipatory bail. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J)

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