

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16710 of 2020**

Arising Out of PS. Case No.-385 Year-2019 Thana- SIWAN MUFFASIL District- Siwan

SHRI RAJU KUMAR SRIVASTAVA @ RAJU KUMAR SRIVASTAVA Son
of Surendra Lal Srivastava Resident of Village - Bindusar Hamid, P.S.-
Muffasil Siwan, District - Siwan

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ramchandra Sahni

For the Opposite Party/s : Mrs. Nirmala Kumari

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER**

8 25-01-2021 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner apprehends his arrest in Siwan Muffasil P.S. Case No.385 of 2019 registered for the offences punishable under Sections 320 & 120B/34 of the Indian Penal Code pending in the Court of learned Chief Judicial Magistrate, Siwan.

The prosecution case, in nut shell, is that petitioner along with five named accused persons and 5-6 unknown miscreants are said to have came at the house of the informant and asked her son, Isarail to come at Murghatia. After some time her elder son, Rabuddin came and asked where is Isarail, she replied that he has gone with the aforesaid persons. She



went to search her son then saw that all the above name persons were assaulting her son by means of lathi, danda and sword due to which he died at the spot.

It is submitted by learned counsel for the petitioner that no such occurrence as alleged ever took place. He has been falsely implicated in this case due to ulterior motive. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. There is delay of three days in lodging the F.I.R. without assigning any plausible explanation for the same. The I.O. has not examined any independent witness till the filing of this application. Petitioner has no criminal antecedent.

Learned APP for the State vehemently opposing the bail petition submitted that there is direct allegation against the petitioner of assaulting the informant's son along with other co-accused due to which he died at the spot. Hence, he does not deserve anticipatory bail.

Considering the facts and circumstances of case, I am not inclined to enlarge the petitioner on anticipatory bail. The prayer for anticipatory bail of the petitioner is hereby rejected. However, the petitioner is directed to surrender before the learned Court below within six weeks from today and seek



regular bail and the learned Court below would pass order on the same day in accordance with law without being prejudiced by this order.

(Anjani Kumar Sharan, J)

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