

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24193 of 2020

Arising Out of PS. Case No.-128 Year-2020 Thana- BEGUSARAI MUFFASIL District-
Begusarai

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MAHESH RAJAK S/o Vishnudeo Rajak Resident of Village-Kamruddinpur,
ward no.5, P.S.-Muffasil, District-Begusarai.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sandip Kumar Gautam, Advocate.
For the Opposite Party/s : Mrs. Veena Rani Prasad, APP
For the Informant : Mr. Shashi Dhar Jha, Advocate.

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

5 05-01-2021 Heard learned counsel for the petitioner, learned
counsel for the informant and learned A.P.P. for the State.

The petitioner apprehends his arrest in Muffasil
P.S. Case No. 128 of 2020 registered for the offences
punishable under Sections 341, 323, 324, 307 & 302/34 of the
Indian Penal Code pending in the Court of learned Chief
Judicial Magistrate, Begusarai.

While the father of the informant was regressing to
his home after taking dinner from a co-villager on the occasion
of marriage ceremony of his daughter, the F.I.R. named
accused persons, including this petitioner, armed with lathi,
danda, rod and khanti are said to have badly assaulted the
father of the informant as a result of which he became injured.



Thereafter, with the help of other people he was rushed to hospital for treatment and during the course of treatment he succumbed to his injury.

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 merely on suspicion. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. No independent witness has supported the prosecution case. There is delay of ten days in filing the F.I.R. without assigning any plausible explanation for the same. Petitioner has no criminal antecedent.

Learned counsel for the informant and learned APP for the State vehemently opposing the bail petition submitted that the petitioner along with other co-accused assaulted the father of the informant due to which he succumbed to his injury during the course of treatment. Hence, the petitioner does not deserve anticipatory bail.

Considering the facts and circumstances of case and particularly the nature of the offence, 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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