

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23707 of 2020

Arising Out of PS. Case No.-751 Year-2019 Thana- JAKKANPUR District- Patna

Rahul Kumar, Son of Baiju Prasad Gupta, Resident of Village - New Purandarpur, Chandpur Bela @ Shiv Path do Pulwa, P.S.- Jakkanpur, District - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sushil Kumar Jha, Advocate

For the Opposite Party/s : Ms. Pushpa Sinha, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

4 18-01-2021 Heard learned counsel for the petitioner and the learned APP for the State.

The petitioner is apprehending his arrest in connection with Jakkanpur P.S. Case No.751 of 2019 registered for the offence punishable under Sections 147, 148, 149, 341, 342, 307, 302, 323 of the Indian Penal Code, which is pending in the court of the learned Sub Judge-I Cum-Additional Chief Judicial Magistrate, Patna.

The informant has alleged some altercation during a *Jagran Bhakti* programme. It is alleged that subsequently five accused persons, who are named in the F.I.R. along with others, came and assaulted the cousin of the informant and due to the injuries sustained thereby, he succumbed to his injuries.



The petitioner's counsel submits that the petitioner was not named in the F.I.R. and only as an afterthought, subsequently his name has been brought in this case and that the implication by the statement of co-accused and further statement of the informant render the entire prosecution doubtful and no case would be made out against the petitioner.

Referring to the order of rejection by the court below, the learned APP submits that the court below has taken the fact into consideration that apart from the confessional statement of co-accused Abhishek Kumar, the petitioner has been identified in the video-footage by the informant himself.

Having considered the rival submissions, this Court does not consider it appropriate for grant of anticipatory bail. The petitioner's case, however, may be considered when he surrenders for grant of regular bail. While doing so, the court shall not be prejudiced by the rejection of his prayer for anticipatory bail.

Petitioner's counsel then submits that the petitioner is a juvenile within the definition of Juvenile Justice (Care and Protection of Children) Act, 2015 and that the petitioner would avail the remedy available under the said statute.

In view of the said submissions, without expressing



any opinion on the merits of the application, the petitioner is permitted to avail the remedy under the said Act, in accordance with law.

This Court would expect that the petitioner’s counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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