

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1164 of 2021

Arising Out of PS. Case No.-84 Year-2020 Thana- RAGHOPUR District- Vaishali

NITISH RAY @ NITISH KUMAR, Son of Kangress Ray Resident of
Village- Rustampur, P.S.- Raghapur, District- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anuj Kumar
For the Opposite Party/s : Mr.APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 12-08-2021 Heard Mr. Madhav Raj, learned advocate for

the petitioner and Mr. Anil Kumar, learned counsel for

the informant. The State is represented by Ms. Asha

Devi, learned APP.

The petitioner seeks bail in anticipation of his
arrest in connection with Raghapur P. S. Case No. 84 of
2020, dated 04.06.2020, instituted for the offences
under Sections 302 and 34 of the Indian Penal Code.

The accusation in the F.I.R. is that one
Shrawan Kumar and some others including the petitioner
accosted the father of the informant and thereafter
Shrawan Kumar gave a knife blow on him leading to his



death. The petitioner is only alleged to have facilitated aforesaid Shrawan Kumar from running away from the place of occurrence.

The learned advocate for the petitioner has submitted that the informant who is an eye-witness to the occurrence has clearly stated that the assault leading to death of the deceased was caused by aforesaid Shrawan Kumar and none else. Thus, for all practical purposes, it has been urged, that except for the petitioner having helped aforesaid Shrawan Kumar to leave the place of occurrence, he is not alleged to have done anything.

As opposed to the aforesaid contention, Mr. Anil Kumar, learned counsel for the informant has submitted that right from the beginning, on the instigation of the petitioner a threatening was given by Shrawan Kumar to the informant. The petitioner was also present at the time when the deceased was *coup de graced*.

The learned APP has also submitted that



because of such active participation of the petitioner in the instant case, he does not deserve anticipatory bail.

For the reasons, afore-stated, the prayer for anticipatory bail of the petitioner is rejected.

However, if the petitioner surrenders before the court below and seeks bail, that shall be considered on its own merits, without being prejudiced by the fact that the present petition on his behalf has not been entertained by this Court.

(Ashutosh Kumar, J)

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