

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7117 of 2022

Arising Out of PS. Case No.-396 Year-2018 Thana- KUDHNI District- Muzaffarpur

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BRAJESH KUMAR SON OF MOHAN SAHNI R/O VILLAGE-
CHARKORIA, P.S.- KUDHANI (TURKI O.P.), DISTRICT-
MUZAFFARPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sheo Kumar Prasad, Advocate

For the Opposite Party/s : Mr.Amitesh Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 30-08-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner apprehends his arrest in connection with Kudhani P.S. Case No. 396 of 2018 registered for the offences punishable under Sections 394 and 302 of the Indian Penal Code.

The informant alleges that he along with his pregnant wife was returning by bike to his home when they were intercepted by three accused persons who assaulted the informant and one accused inflicted knife blow causing injury on his hand, it is next alleged that on protest made by his wife she was also assaulted by fists and slaps and was also given knife blow due to which she died on her way to the hospital.



Learned counsel for the petitioner submits that the petitioner has antecedent of two cases and has been falsely implicated in the present case, petitioner is not named in the F.I.R. and during the course of investigation one Abhishek was arrested who in his confessional statement has taken the name of the petitioner based on which the petitioner came to be implicated in the present case, it is next submitted that confessional statement as such has no evidentiary value.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner and submits that the offence *prima-facie* appears to be so heinous that a pregnant lady was assaulted by knife and she died on her way to the hospital in which the child in the womb also died, it is next submitted that F.I.R. was against unknown as such during the course of investigation when police got lead then Abhishek came to be arrested who disclosed the name of the petitioner as one of the accused who also participated in the occurrence, thus it is submitted that though the name of this petitioner transpired in the confessional statement but then against Abhishek materials had come during the course of investigation which connected him with the offence.

Considering the submissions made by the learned



A.P.P. for the State, the Court is not inclined to extend privilege of anticipatory bail to the petitioner. His prayer for anticipatory bail is thus rejected.

(Satyavrat Verma, J)

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