

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19088 of 2021

Arising Out of PS. Case No.-144 Year-2020 Thana- GORAUL District- Vaishali

RAKESH KUMAR @ BHULAN SON OF BHUNESHWAR RAI
RESIDENT OF VILLAGE PIROI PS GORAUL DIST VAISHALI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Pranav Kumar, Advocate.
For the Informant	:	Mr. Shakil Ahamad Khan, Advocate.
For the Opposite Party/s	:	Mr. APP.

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 10-01-2022 Heard Mr. Pranav Kumar, learned counsel for the petitioner and Mr. Shakil Ahamad Khan for the Informant and learned Additional Public Prosecutor for the State.

The petitioner seeks bail in anticipation of his arrest in connection with Goraul P.S. Case No. 144 of 2020 instituted for the offence under Sections 147, 148, 149, 302, 447, 448, 342, 323 and 324 of the Indian Penal Code.

The petitioner is said to be one of the accused persons who assaulted the son of the informant, who later died after being hospitalized for four days.

It is the submission of the learned counsel for the petitioner that so far as he is concerned, he is said to have assaulted the deceased on his neck. However such accusation by way of ocular testimony of the informant is not in consonance with the post mortem report which indicates that the deceased



has received only one injury which is the cause of death. Who gave the fatal assault to the deceased is not known.

On these grounds, learned counsel for the petitioner has sought anticipatory bail for the petitioner.

Regard being had to the fact that the petitioner is one of the several accused persons who has been identified by the informant as having come to her house and taken part in the assault which has led to the loss of life of her son, I am not inclined to grant anticipatory bail to him.

The prayer for anticipatory bail is, accordingly, rejected.

However, if the petitioner surrenders before the Court below and seeks bail, the grounds noted above shall be taken into account and the order shall be passed without being prejudiced by the fact that the present anticipatory bail application has not been entertained by this Court.

The application stands dismissed.

(Ashutosh Kumar, J)

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