

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24400 of 2021

Arising Out of PS. Case No.-208 Year-2020 Thana- VIDYAPATINAGAR District-
Samastipur

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Krishna Nandan Singh Son of Dayanand Singh Resident of Village -
Gadhsisai, P.S.-Vidyapati Nagar, Distt.- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner : Mr. P.K. Shahi, Sr. Advocate

Mr. Arun Kumar, Advocate

For the Opposite Party : Mr. Jharkhandi Upadhyay, APP

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

5 31-01-2022 The matter is being heard through video conferencing

due to circumstances prevailing on account of Covid-19

pandemic.

Heard Mr. P.K. Shahi, learned senior counsel assisted

by Mr. Arun Kumar, learned counsel for the petitioner as well as

Mr. Jharkhandi Upadhyay, learned APP for the State.

The petitioner apprehends his arrest in connection

with Vidyapati Nagar P.S. Case No. 208 of 2020 registered for

the offences under Sections 302/34 of the Indian Penal Code.

As per the prosecution case, the petitioner and his

father are alleged to have assaulted the mother of the informant

and thereafter she has died.

It has been submitted by learned senior counsel for



the petitioner that father and son are said to have assaulted the deceased whereas the father, who is 80 years old and bed-ridden patient, is not expected to assault the deceased and therefore, the entire prosecution fails. He has also submitted by taking the Court to Annexure-2 annexed with the bail application that the informant has filed an application in the court below and has appeared himself and has said that he under misconception has filed this case and the petitioner is not involved in committing this crime. Mr. P.K. Shahi also submits that the court below has directed the Investigating Officer to investigate the case in the light of the application filed by the petitioner but has not acted as per the order of the court below. He has further submits that the witnesses have not supported the prosecution case because some of them are interested witnesses related to the deceased. Lastly Mr. Shahi, learned senior counsel for the petitioner, submits that the petitioner has clean antecedent.

Mr. Jharkhandi Upadhyay, learned APP for the State, has submitted that witnesses have supported the prosecution case. He has also relied upon post mortem report which shows that the deceased died of rupture of liver caused by hard and blunt substance. This supports the prosecution case.

Considered the submissions of rival parties. The



petitioner is said to have assaulted the deceased and the deceased has died of rupture of liver caused by hard and blunt substance. The witnesses have supported the prosecution case.

Considering the facts and circumstances of the case, I am not inclined to grant anticipatory bail to the petitioner. Prayer for anticipatory bail is hereby rejected.

In case the petitioner surrenders and prays for regular bail before the court below within a period of four weeks from today, the court below will consider the petition for regular bail of the petitioner on its own merit because criteria for grant of anticipatory bail and regular bail is quite different.

With the aforesaid observation and direction, this application is dismissed.

(Sandeep Kumar, J)

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