

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17071 of 2022

Arising Out of PS. Case No.-88 Year-2021 Thana- JOGAPATTI District- West Champaran

SUSHIL KUMAR SINGH Son of Late Badan Singh Resident of Village -
Machhargawa, P.S. - Yogapatti, District - West Champaran (Bettiah).

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Madhusudan Kumar

For the Opposite Party/s : Mr. Md. Matloob Rab

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 18-10-2022 Heard the parties.

The petitioner apprehends his arrest in a case registered for the offence punishable under section 279, 337, 338, 307, 427, 506 and 34 of I.P.C.

Allegedly, the petitioner and other F.I.R. named accused persons called the husband of the informant for returning the amount of Rs.5,00,000/- which was taken for the kidney treatment of his daughter. When her husband reached there, co-accused Mithlesh Kumar Singh said to his minor son to put back the car from garage and suddenly the speed of car was exceeded and during this course the car dashed him and a other person namely, Khush Mohammad were injured. After few days, during the course of treatment the deceased came in coma and died and in the post mortem report it has been



clearly mentioned that the cause of death is due to motor vehicle accident.

It is submitted by learned counsel for the petitioner that petitioner is quite innocent and has committed no offence. He has been falsely implicated in this case. No such occurrence, in the manner as alleged, has ever taken place. The allegation leveled against the petitioner is not specific rather general and omnibus in nature. There is no specific overt act against the petitioner. He further submits that the petitioner is not named in the F.I.R., he was made accused in the present case during the investigation. The statement of the victim was recorded by the police in which he has not taken the name of the petitioner. There are two co-accused namely, Mithlesh Kumar Singh and his minor son Aryan Kumar Singh. The petitioner is the full brother of Mithlesh Kumar Singh and six years back there is family partition and both are living separately. Petitioner has no criminal antecedent, as also mentioned in para-3 of the bail application.

Learned APP for the State opposed the prayer for anticipatory bail and submits that there is ample material available against the petitioner in the case diary.

Having regards to the facts and circumstances of the



case, I am not inclined to enlarge the petitioner on bail. The prayer for grant of anticipatory bail on his behalf is hereby rejected.

This application is accordingly, dismissed.

(Anjani Kumar Sharan, J)

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