

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21527 of 2022

Arising Out of PS. Case No.-328 Year-2020 Thana- KHIJARSARAI District- Gaya

RAJESH KUMAR @ PHANTUS S/o Palan Singh Resident of Village-
Saidpur, P.S.- Khijarsarai, District- Gaya.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Ravi Shankar Pathak
For the Opposite Party/s :	Mr. Chandra Sen Prasad Singh
	Mr. Sheikh Arkan Ahmad

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 26-09-2022 Heard the parties.

Learned counsel for the petitioner undertakes to remove the defects within four weeks.

The petitioner apprehends his arrest in a case in connection with Khijasarai P.S. Case No.328 of 2020, registered for the offence punishable under Sections 147, 148, 149, 341, 323, 342, 302 of the Indian Penal Code.

The allegation against the petitioner is that the petitioner along with other accused persons assaulted the husband of the informant due to which he sustained injuries and died in course of treatment.

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 as alleged



ever took place. The allegation leveled against the petitioner is not specific rather general and omnibus in nature. Total 12 persons were named in the F.I.R. There is no specific overt act against the petitioner. He has no criminal antecedent and the similarly situated co-accused, namely, Manju Devi, has been enlarged on bail by a co-ordinate Bench of this court vide order dated 15.02.2022 passed in Cr. Misc. No.23286 of 2021.

Learned counsel for the State opposed the prayer for bail and submits that the statement of the informant was recorded under section 164 Cr.P.C in which she has taken the name of the petitioner that he was also involved in the alleged occurrence.

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.

However, petitioner is directed to surrender before the learned Court below within four weeks from today and seek regular bail and the learned Court below would pass the order, preferably, on the same day, in accordance with law, considering the fact that there is no specific overt act against the petitioner.

(Anjani Kumar Sharan, J)

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