

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26982 of 2022

Arising Out of PS. Case No.-53 Year-2022 Thana- ARA NAGAR District- Bhojpur

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SURESH PRASAD @ SURESH KUMAR S/o Raj Kumar Resident of
Village- M.P. Bagh, Police Station- Ara Nagar, District- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ashok Kumar

For the Opposite Party/s : Mr.Bharat Lal

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 17-11-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Learned counsel for the petitioner filed a supplementary
affidavit and has stated in para-2 of the said affidavit that due to
typographical mistake M.P. Bagh P.S. Case no.53 of 2022 has
been typed in place of Arrah Town P.S. Case no.53 of 2022 in
para-1 as well as in prayer portion of the bail petition.

Let M.P. Bagh P.S. Case No.53 of 2022, be read as Arrah
Town P.S. Case No.53 of 2022.

The petitioner apprehends his arrest in a case registered
for the offence punishable under sections 304 of IPC.

Allegedly, the petitioner threw a brick on his elder brother
while quarelling due to family dispute. It is alleged that his
brother died during treatment.



It is submitted by learned counsel for the petitioner that petitioner is quite innocent and have 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 levelled against the petitioner is not specific rather general and omnibus in nature. The informant is the mother of the petitioner and the deceased. The petitioner was earlier working at Delhi and after lock-down he came to Ara at his native place and started working as rickshaw puller and living at rented house. On the alleged date, some quarrel started due to land and the deceased fell down and some minor injury was sustained by the deceased and after examination by doctor he was sent back to his house. He further submits that the deceased was a heart patient and pace maker was installed in his body and on the said day of occurrence there was very cold due to which he died. Petitioner has no criminal antecedent.

Learned APP for the State opposed the prayer for anticipatory bail by submitting that there is a specific allegation of assaulting the deceased against the petitioner.

Having regard to the facts and circumstances of the case, since, there is a specific allegation against the petitioner, I am not inclined to enlarge the petitioner named above on bail. The



prayer for grant of anticipatory bail on behalf of the petitioner is
rejected.

This instant application is dismissed.

(Anjani Kumar Sharan, J)

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