

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47028 of 2021

Arising Out of PS. Case No.-338 Year-2020 Thana- KHIJARSARAI District- Gaya

SUJIT KUMAR @ SUJIT MANJHI, Resident of Village- Hajichak, P.S.-
Buniyadganj, District- Gaya.

... .. Petitioner

Versus

The State of Bihar.

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Vinod Kumar, Advocate

For the Opposite Party : Ms. Jharkhandi Upadhyay, APP

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 11-02-2022 Heard learned counsel for the parties through video conferencing.

Learned counsel for the petitioner is permitted to remove defect(s), as pointed out by the office, if any, within a period of four weeks from today.

This application for anticipatory bail arises out of Khizersarai P.S. Case No. 338 of 2020 for the offence punishable under Sections 341, 342, 323, 307, 337, 338, 448, 504, 506/34 of the Indian Penal Code.

One Budhan Chaudhary along with others were assaulted by the accused persons. Budhan Chaudhary died during the course of treatment and therefore, Section 302 of the Indian Penal Code has been added in the F.I.R. Other persons have also been assaulted and petitioner is one of the assailants



of the injured. His assault has also caused injury upon the victim. This Court cannot be asked to micro analyze the allegations levelled against each of the accused persons when the petitioner and others are being prosecuted with the aid of Section 34 of the Indian Penal Code.

In view of the law laid down by the Apex Court in the case of *Jai Prakash Singh vs. State of Bihar & Anr.* reported in *(2012) 4 SCC 379*, I am not inclined to grant anticipatory bail to the petitioner as he has actively participated in the crime.

Accordingly, this anticipatory bail application is dismissed.

(Sandeep Kumar, J)

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