

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53551 of 2021**

Arising Out of PS. Case No.-203 Year-2020 Thana- BELAGANJ District- Gaya

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JAYANT KUMAR S/o VINOD PASWAN @ BINOD PASWAN R/o
VILLAGE-PANARI, P.S-BELAGANJ AND DISTRICT-GAYA.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Manish Kumar No. 2, Advocate
For the State	:	Mr. Ramchandra Singh, APP
For the Informant	:	Mr. Shambhu Sharan, Advocate

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 05-07-2022 Heard learned counsel for the petitioner, the informant
and learned A.P.P. for the State.

The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 147, 149, 341, 323, 307 and 302 of the Indian Penal Code.

Learned counsel for the petitioner submits that the petitioner is a person with clean antecedent and is a young boy of 21 years of age and is a student and the informant alleges that in the evening of 05.07.2020 he along with his son Sanjay Kumar and Panil Kumar were returning to their house on a motorcycle, in the way, they stopped the motorcycle and started drinking water from the hand-pump situated behind Panari High School, where boys of Panari village, who were returning to their homes after playing cricket, came there and started abusing



and assaulting the son of the informant by bat. It is next alleged that even the informant was injured fled to his village and again when he came back along with his villagers he saw Vikash Kumar is assaulting his son Sanjay Kumar whereas Amarnath, Raushan Kumar, Umesh Kumar, Jyotish Kumar, Ujjawal Kumar, Basukinath Paswan, Jayant Kumar (petitioner), Rishu Kumar and Abhishek Kumar were surrounded his son and they were assaulting him by fists and slaps. It is next alleged that on seeing the informant and his villagers the accused fled away.

Learned counsel for the petitioner submits that petitioner has been falsely implicated in the present case. It is next submitted that the allegation is in two parts; first where informant alleges that the accused persons started assaulting him and his son and he fled and came back and saw that the accused persons were assaulting the deceased with fists and slaps, it is next submitted that even presuming what has been alleged is true in the FIR then also the allegation appears to be general and omnibus in nature as it is alleged that most of the accused persons as named aforesaid were assaulting with fists and slaps, it is further submitted that perhaps informant is even not an eyewitness to the occurrence as he himself had fled to his village for calling the villager. Learned counsel next submits



that even presuming what has been alleged is true without accepting then the allegation against the petitioner is of causing assault by fists and slaps when there is specific allegation of assault by bat by the named accused persons in the FIR.

Learned A.P.P. for the State and the learned counsel for the informant opposed the prayer for anticipatory bail of the petitioner. Learned counsel for the informant submits that similarly situated co-accused Umesh Kumar @ Mukesh Paswan was denying the privilege of anticipatory bail by order dated 16.08.2021 in Cr. Misc. No. 130 of 2021, as such, the present application be also not entertainable.

Considering the submissions made by the learned A.P.P. and the informant, the Court does not feel inclined to grant the privilege of anticipatory bail to the petitioner solely on the ground of parity and not on merits in connection with Belaganj P.S. Case No. 203 of 2020 pending in the Court of learned Additional Chief Judicial Magistrate-XI, Gaya/successor Court.

Hence, prayer for anticipatory bail is refused.

(Satyavrat Verma, J)

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