

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61829 of 2021

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

ABHISHEK KUMAR Son of Raj Narayan Paswan @ Narain Paswan
Resident of Village - Paneri, P.S. Belaganj, District - Gaya.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr.Shashi Ranjan, Advocate
For the Opposite Party/s :	Mr.Ram Bilash Roy Raman, APP
For the Informant :	Mr.Shambhu Sharan, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 13-07-2022 Heard learned counsel for the petitioner, learned
counsel for 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 young boy of 21 years of age having clean antecedent and is also a student and the informant alleges that in the evening of 05.07.2020, he along with his son Sanjay Kumar and Panil Kumar was returning to their house on a motorcycle and when on the way they stopped their motorcycle and started drinking water from a 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 who fled to his village and again when he came back along with his villagers, he saw Vikash Kumar assaulting his son Sanjay Kumar whereas Amarnath, Raushan Kumar, Umesh Kumar, Jyotish Kumar, Ujjawal Kumar, Basukinath Paswan, Jayant Kumar, Rishu Kumar and Abhishek Kumar (petitioner) had surrounded his son and 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 the petitioner has been falsely implicated in the present case, it is next submitted that the allegation is in two parts; first where the informant alleges that the accused persons started assaulting him and his son and he fled and came back with villagers and saw the accused persons were assaulting the deceased with fists and slaps, it is next submitted that one Panil Kumar was also at the place of occurrence who was coming along with the informant and the deceased and was friend of the deceased. Learned counsel further submits that the statement of Panil Kumar was recorded under Section 164 of the Cr.P.C. wherein he has not even remotely suggested the name of the present petitioner,



though the informant in the F.I.R. alleged that when he came back with villagers, he saw accused persons, including the petitioner, had surrounded the deceased and were assaulting him with fists and slaps, learned counsel further submits that it appears that the informant perhaps was not even an eyewitness to the occurrence as he himself had fled to his village for calling the villagers.

Learned counsel for the petitioner next submits that petitioner is a student and is pursuing his graduation from Lalan Prasad Yadav College affiliated to Magadh University, Bodhgaya and he has also to appear in the Staff Selection Commission (S.S.C.) examination which is going to be held on 25.07.2022 and in support of the same, learned counsel relies on Annexure '3' to the supplementary affidavit. Learned counsel at the cost of repetition again submits that Panil Kumar is the most competent witness of the occurrence and he has not named the petitioner in his statement recorded under Section 164 Cr.P.C. and (Annexure-2 to the anticipatory bail application)

Learned A.P.P. for the State and learned counsel for the informant oppose the prayer for anticipatory bail of the petitioner and submits that similarly situated co-accused Jayant Kumar, who was also named in the F.I.R. like the petitioner, his



anticipatory bail application was rejected by this Court by order dated 05.07.2022 in Cr. Misc. No. 53551 of 2021 and as such maintaining parity, the anticipatory bail application of the petitioner be also rejected, but the learned counsel for the informant is not able to meet the submission of the learned counsel for the petitioner that Panil Kumar, the most competent witness, has not named the petitioner in his statement recorded under Section 164 of the Cr.P.C.

Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Belaganj P.S. Case No. 203 of 2020 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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