

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3233 of 2023

Arising Out of PS. Case No.-254 Year-2020 Thana- FATEHPUR District- Gaya

NILESH KUMAR @ VIJAY KUMAR S/O LATE KISHUN SINGH @
ISHUN SINGH Resident of village - Pakari, P.S.- Fatehpur, District- Gaya.
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Sinha, Advocate
For the Opposite Party/s : Ms. Pronoti Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 3 21-07-2023 1. Heard learned counsel for the petitioner and learned A.P.P. for the State.
2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 341, 323, 337, 338, 308 and 504/34 of the Indian Penal Code as well as Section 27 of the Arms Act.
3. Learned counsel for the petitioner submits that petitioner is a person with clean antecedent.
4. The informant alleges that petitioner along with other accused persons assaulted his brother and mother with bricks and stones causing injury on their eyes and head and petitioner along with Mithilesh fired.
5. Learned counsel for the petitioner submits that petitioner has been falsely implicated in the present case. It is further submitted that petitioner assaulted the mother of the informant and other accused assaulted his brother as such it cannot be alleged with certainty that it was only the petitioner who had assaulted as from the tenor of the



allegation it appears that it was petitioner along with other accused who committed the occurrence of assault. It is next submitted that the date of occurrence is 25.10.2020 and the FIR was instituted on 26.10.2020 and the mother of the informant died on 02.11.2020.

6. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner and submits that there is specific allegation against this petitioner of assaulting the mother of the informant though it is alleged that petitioner along with other accused assaulted his brother also. It is further submitted that the death of the mother of the informant as submitted by the learned counsel for the petitioner was done on 02.11.2020 and the date of occurrence is 25.10.2020 as such the proximate cause of death is definitely the assault.

7. Considering the submissions made by the learned A.P.P., the Court is not inclined to extend the privilege of anticipatory bail to the petitioner in connection with Fatehpur P.S. Case No. 254 of 2020 pending in the Court of learned Additional Chief Judicial Magistrate-X, Gaya/successor Court.

8. Accordingly, the prayer for anticipatory bail of the petitioner is rejected.

(Satyavrat Verma, J)

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