

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21436 of 2023

Arising Out of PS. Case No.-860 Year-2022 Thana- LAKHISARAI District- Lakhisarai

Chhotu Kumar, Son Of Nand Kishore Kewat R/O Village- Pathala, P.S.-
Lakhisarai, District- Lakhisarai

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Rabi Bhushan
For the Opposite Party/s :	Mr. Vinod Shanker Modi
	Mr. Manoj Kumar No.1

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 3 27-07-2023 1. Heard learned counsel for the petitioner, learned counsel for the informant and learned APP for the State.
2. The petitioner seeks bail in anticipation of his arrest in Lakhisarai P. S. Case No.860 of 2022 registered for the offences punishable under Sections 147, 148, 149, 341, 323, 325, 307, 504, 506 of the Indian Penal Code and later on, Section 302 of the I.P.C. was also added.
3. The learned counsel for the petitioner submits that the petitioner has antecedent of two cases and the informant alleges that petitioner assaulted Birendra Kewat with sword, who died during the course of treatment at P.M.C.H.
4. The learned counsel for the petitioner submits that petitioner has been falsely implicated in the present case. It is



next submitted that informant is not an eye witness to the occurrence, as such, he, with such precision, could have instituted the F.I.R. It is next submitted that there is admitted land dispute between the parties and from the side of the petitioner also, a case has been instituted. The case was taken up on 27.06.2023, when Investigating Officer of the case was summoned to assist the learned Additional P. P. Sri Chandra Bhushan Prasad.

5. Today, when the matter is taken up, the Investigating Officer of the case is present and he submits that though informant is not an eye witness to the occurrence, then during course of investigation, the allegation as alleged in the F.I.R. got substantiated by Dharmendra Kewat, whose statement was recorded at Para-34 of the case diary wherein he has stated that he was also assaulted by the accused persons and when his brother Birendra along with other family members came to save him, he was assaulted by this petitioner and Saurabh by sword and farsa. Further, that on account of assault, he also suffered injury and he was admitted in hospital and the opinion about his injury is still reserved.

6. Learned A.P.P. along with learned counsel for the informant opposes the bail application and submits that since



opinion about injury of Dharmendra Kewat is still reserved, this in itself substantiate that Dharmendra must have suffered grievous injury on account of which, he was hospitalized. It is next submitted that F.I.R. is not an encyclopedia and if during the course of investigation, it has unfolded that the petitioner was instrumental in assaulting the deceased leading to his death whether it would be justifiable for this Court to grant the privilege of anticipatory bail to the petitioner at this stage, when in the F.I.R. also petitioner is alleged to be the assailant.

7. Considering the submissions made by the learned Additional P. P., the Court is not inclined to extend the privilege of anticipatory bail to the petitioner.

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

(Satyavrat Verma, J)

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