

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21216 of 2023

Arising Out of PS. Case No.-61 Year-2021 Thana- BIHTA District- Patna

RAJESH KUMAR Son of Mahesh Singh R/o Babhan Lai, P.S- Bihta Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anuj Kumar
For the Opposite Party/s : Mr. Atul Chandra

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 07-07-2023 Heard learned counsel for the petitioner and learned A.P.P. for the State along with the learned counsel for the informant.

Learned counsel for the petitioner submits the petitioner is a person with clean antecedent and is a young boy and is a student. It is next submitted that the informant alleges that accused persons including the petitioner came and all accused persons assaulted him by *lathi danda* and *rod* causing injury on head and when his son came to save him, he was also assaulted.

Learned counsel for the petitioner submits that from bare perusal of the allegations as alleged in the FIR, it would manifest that though there is allegation of assault but then the allegation of assault is not specific, it is further submitted that



the informant, after three days of the occurrence, died during the course of treatment, it is next submitted that the informant was an old man and he died his natural death on account of cardiac failure and the assault was not the proximate cause of his death.

Learned A.P.P. for the State and the learned counsel for the informant opposes the anticipatory bail application of the petitioner.

Learned counsel for the informant submits that, no doubt, the informant in the FIR has not alleged specifically that who assaulted him but then during the course of investigation, the statement of his daughter-in-law was recorded and she has specifically stated about this petitioner of assaulting the informant on his head, it is next submitted that what is not disputed, rather, stands admitted is that the informant died within three days of the occurrence and the assault was the proximate cause of death as in the postmortem report, it has been recorded that the death was caused on account of assault by hard and blunt substance causing injury on head leading to cardiac failure.

Learned counsel for the petitioner, at this stage, submits that the informant in the FIR did not specifically alleged that this petitioner assaulted. It is further submitted that this



petitioner is a student and his entire career would be jeopardized in the event if he is sent to custody.

Learned counsel for the informant rebuts the submission of the learned counsel for the petitioner and submits that though at Para 12, it has been stated that the petitioner is a student but no document in support of the said pleading have been annexed which could even remotely suggest that the petitioner is a student.

Considering the submissions, the Court is not inclined to extend the privilege of anticipatory bail to the petitioner.

Accordingly, the prayer for anticipatory bail to the petitioner stands rejected.

(Satyavrat Verma, J)

HarshPandey/-

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