

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22400 of 2023

Arising Out of PS. Case No.-143 Year-2020 Thana- MAHNAR District- Vaishali

AAKASH KUMAR @ MALKHAN Son of Raj Kumar Paswan R/V- Allipur
Hatta, PS- Mahnar, Dist- Vaishali

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s :	Mr. Dharmendra Kumar Paswan
For the Opposite Party/s :	Mr. Dr. Ajeet Kumar
:	Mr. Niraj Kumar

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

6 18-09-2023 Heard learned counsel for the petitioner and learned
APP for the State assisted by learned counsel for the informant.

2. The petitioner is apprehending his arrest in a case registered for the offences punishable under Sections 302 and 201/34 of the Indian Penal Code pending in the learned court below.

3. The informant alleges that on 08.05.2020 her son along with other persons had gone to Alipur Hatta Ghat and her son died of drowning. Accordingly, an UD Case No. 03 of 2020 was instituted but in the postmortem report, it came that the death was due to throttling and chest injury leading to asphyxia, thus the case was of murder and during investigation the role of the accused persons including the petitioners surfaced.

4. Learned counsel for the petitioner submits that the



petitioner is innocent and has been falsely implicated in this case. He fairly submits that process of Sections 82 & 83 Cr.P.C. was completed in the present case and this fact has also been confirmed by the case diary itself. He further submits that similarly situated other co-accused persons have already been granted bail by a bench of this Court vide order dated 02.08.2023 passed in Cr. Misc. No. 29523/2023. He further submits that petitioner has got no criminal antecedent as stated in para-3 of the bail application.

5. Per contra, learned APP for the State vehemently opposing the bail application and submits that the allegation levelled as the petitioner is serious in nature. Hence, he does not deserve anticipatory bail.

6. Considering the facts and circumstances of the case and the fact that process of Sections 82 and 83 Cr.P.C. has been completed against the petitioner, I am not inclined to enlarge the petitioner on bail in connection with Mahnar P.S. Case No. 143/2020. Accordingly, his prayer for anticipatory bail is hereby rejected.

7. However, if the petitioner surrenders before the learned Court below within a period of six weeks from today and seeks regular bail, the learned Court below would pass the



order, preferably, on the same day, without being prejudiced by
this order.

(Anjani Kumar Sharan, J)

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