

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24258 of 2023

Arising Out of PS. Case No.-272 Year-2021 Thana- SARAIYA District- Muzaffarpur

INDRAJEET KUMAR @ KOMAL @ KUMAL Son of Nand Kishore Singh
Resident of village - Rewa Basantpur Dakshni, P.S.- Saraiya, District -
Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Neeraj Kumar Sanidh, Ms. Kumari Vandana, Advocates.
For the Opposite Party/s	:	Mr. Md. Mushtaque Alam

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 07-07-2023 Heard Mr. Neeraj Kumar Sanidh, learned counsel
for the petitioner and Mr. Md. Mushtaque Alam, Additional
Public Prosecutor for the State.

2. Petitioner apprehends his arrest in connection with
Saraiya PS Case No. 272/2021 registered on 13.04.2021 for the
offence punishable under Sections 302/34 of the IPC.

3. As per prosecution case, petitioner along with
other accused persons assaulted and killed brother of the
informant. Allegation against co-accused, Rohit Kumar is that
he assaulted the deceased by means of knife and the petitioner
surrounded wire around the neck of the deceased and pulled
him.

4. Learned counsel for the petitioner submits that the
allegation made in the FIR is not correct and the informant does



not appear to be an eyewitness. He further submits that no motive has been assigned in the FIR against the accused persons for committing the present offence. He further submits that no independent witness has come forward to support the prosecution story.

5. I have heard counsel for the parties.

6. It appears that there is specific allegation against the petitioner that he participated in the killing of the brother of the informant. The postmortem report reflects injury over the neck of the deceased which corroborates the prosecution story. The investigation against the petitioner is still going on.

7. Accordingly, taking into consideration the nature of allegation and the fact that the injury caused to the deceased in the neck corroborated the statement made in the FIR and the investigation is still pending, I am not inclined to grant anticipatory bail to the petitioner. The same is, hereby dismissed.

(Anil Kumar Sinha, J)

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