

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28097 of 2023

Arising Out of PS. Case No.-501 Year-2022 Thana- KOTWA District- East Champaran

VIJAY DAS Son of Chanar Das Resident of village - Machhargawan, P.S. -
Kotwa, Distt. - East Champaran

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Suraj Kumar Tiwari, Adv.

For the Opposite Party/s : Mr. Shyameshwar Dayal, APP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 01-08-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. Petitioner apprehends his arrest in connection with
Kotwa P.S. Case No. 501 of 2022 dated 26.12.2022, registered
for the offence punishable u/s 302/34 of the IPC.

3. Allegedly, on 24.12.2022 at about 08.00 PM, all the
accused persons including this petitioner, came at the house of
informant and snatched cash worth Rs. 60,000/- from his
brother and on protest, they committed murder of the
informant's brother.

4. It is submitted by learned counsel for the petitioner
that petitioner is quite innocent and has committed no offence.
No such occurrence as alleged ever took place. He has been
falsely implicated in this case due to ulterior motive. The



allegation levelled against the petitioner is not specific rather general and omnibus in nature. There is no eye-witness in the present case. There is no evidence in the case diary against him. He was made accused in the present case merely on suspicion. Petitioner has no criminal antecedent as mentioned in para-3 of this application.

5. Per contra, learned APP for the State vehemently opposing the bail petition submitted that as per the postmortem report of the deceased, it is crystal clear that he was died due to head injury.

6. Considering the facts and circumstances of case as well as the postmortem report of the deceased, I am not inclined to enlarge the petitioner on bail. The prayer for bail of the petitioner is hereby rejected.

7. However, if the petitioner surrenders before the learned Court below within six weeks from today and seeks regular bail, the learned Court below shall pass order on the same day in accordance with law without being prejudiced by this order.

(Anjani Kumar Sharan, J)

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