

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33548 of 2023

Arising Out of PS. Case No.-331 Year-2022 Thana- MAJORGANJ District- Sitamarhi

VIVEK KUMAR son of Shankar Prasad @ Shankar Rastogi Village Ps-
Majorganj, Dist- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs. Madhuri Kumari

For the Opposite Party/s : Mr. Ajay Kumar Jha

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

5 18-09-2023 Heard learned counsel for the petitioner and the State.

2. Petitioner apprehends his arrest in a case registered for the offence punishable under Section 302/34 of the Indian Penal Code.

3. As per the prosecution case, this petitioner took away the husband of informant to paint his house. Later on, he along with another accused person came with motor cycle and left the husband of informant abandoned in injured condition at the door of informant. Husband of informant died on way to hospital.

4. Learned counsel appearing for the petitioner submits that petitioner is innocent and has falsely been implicated in the case. It is further submitted that informant is not an eye witness of the occurrence and only on suspicion



petitioner has been implicated in this case. As a matter of fact the deceased met with an accident on road and was lying under injured condition. This petitioner, while returning from his work place, saw the husband of informant under injured condition and took him to hospital but the hospital declined to treat such a serious patient. The husband of informant was referred to Muzaffarpur but on way he died.

5. Learned counsel appearing for the State opposes the prayer for anticipatory bail and submits that there is direct and specific allegation against this petitioner that he took away the husband of informant to paint his house. Later on, this petitioner along with another accused person came with motor cycle and left the husband of informant abandoned in injured condition. Husband of informant died on way to hospital.

6. Considering the facts of the case, nature of accusation and gravity of the offence, I am not inclined to enlarge the petitioner on anticipatory bail. Accordingly, the same is rejected.

(Prabhat Kumar Singh, J)

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