

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31540 of 2023

Arising Out of PS. Case No.-195 Year-2022 Thana- FATUA District- Patna

DUKHAN KUMAR @ NITISH KUMAR SON OF RAM PRAVESH
PRASAD Resident of Village Mirzapur, Nohata, Near Devi Sthan P.S.
Fatwah, District-Patna

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rudra Deo

For the Opposite Party/s : Mr. Sanjay Kumar Tiwary

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 03-10-2023 Heard learned Mr. Rudra Deo appearing on behalf of
the petitioner as well as Mr. Sanjay Kumar Tiwary, learned
Additional Public Prosecutor appearing on behalf of the State.

2. The petitioner apprehends his arrest in connection with
Fatuha P.S. Case No.195 of 2022, registered for the offence
punishable under Sections 307, 379 and other allied Sections of
the Indian Penal Code.

3. The allegation against the petitioner is that he along
with other co-accused persons assaulted the informant by means
of pistol butt and also took out Rs.3500 from his pocket and
snatched golden locket from his neck.

4. It is submitted by learned counsel for the petitioner that
petitioner is quite innocent and has committed no offence. He



has been falsely implicated in this case. No such occurrence, in the manner as alleged, has ever taken place. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. There is no specific overt act against the petitioner. The specific allegation is against the co-accused Vinod Kumar to assault the informant by means of pistol butt due to which he sustained grievous injury. He further submits that the co-accused Vinod Kumar has already been granted anticipatory bail by a co-ordinate Bench of this Court vide order dated 08-12-2022 passed in Cr. Misc. No.42942 of 2022. Petitioner has no criminal antecedent, as also mentioned in para-3 of the bail application.

5. Learned APP for the State opposed the prayer for anticipatory bail by submitting that the co-accused Vinod Kumar has been granted bail on the basis of wrong submission made by the learned counsel for the petitioner. He wrongly submitted before the co-ordinate Bench that the injuries were of simple nature but from the injury report it is apparent that the injuries are not of simple nature.

6. Having regard to the facts and circumstances of the case and considering that the petitioner has not come with clean hand, I am not inclined to enlarge the petitioner on bail. The



prayer for grant of anticipatory bail on his behalf is hereby
rejected.

7. This application is, accordingly, dismissed.

(Anjani Kumar Sharan, J)

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