

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40277 of 2023

Arising Out of PS. Case No.-296 Year-2021 Thana- MAHUA District- Vaishali

=====

RUPESH KUMAR son of Ram Sagar Rai Village- Singhara Tanda Ps- Mahua
Dist- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Radha Mohan Singh, Advocate

For the Opposite Party/s : Mr. Anil Kumar Singh No. 1, A.P.P.

=====

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 17-08-2023 1. Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 147, 148,
149, 341, 448, 323, 324, 307, 354(B), 380, 427, 302 and 504 of
the Indian Penal Code.

3. The informant alleges that on account of dispute
relating to objection of playing DJ by her husband, the accused
persons came and assaulted her husband and when her brother-
in-law came to save him petitioner, Ram Sagar and Amresh
caught his leg and sat on his chest while Manish, Nitish and
Atish indiscriminately assaulted him by knife leading to his
death and accused also assaulted her and her sister-in-law and
tore her *saree*.



4. Learned counsel for the petitioner submits that the petitioner is a person with clean antecedent and has been falsely implicated in the present case, it is also submitted that from perusal of the allegation as alleged in the FIR it would manifest that against the petitioner it is alleged that he along with Ram Sagar and Amresh caught the leg of the deceased and sat on the chest while other named accused persons assaulted him indiscriminately by knife leading to his death, it is thus submitted that petitioner is not alleged to have assaulted the deceased by knife causing injury. It is further submitted that subsequently the informant realizing her mistake gave an application in the Court of learned CJM, Vaishali on 29.10.2021 stating therein that her husband was assaulted by unknown persons and she has no knowledge about the contents of the FIR as she is illiterate and someone taking her thumb impression got the case implicated.

5. Learned A.P.P. for the State vehemently opposes the prayer for anticipatory bail of the petitioner and submits that there is specific allegation against the petitioner of sitting on the chest of the deceased along with Ram Sagar and Amresh who are also alleged to have been holding his leg and thereafter the deceased was assaulted by knife leading to his death, it is further



submitted that it absolutely does not stand to reason that as to why the informant had to give an application before the learned Court of CJM, Vaishali stating therein that her husband was assaulted by unknown persons when in the FIR the allegation is specific which amply demonstrates that the informant has been coerced into submission for filing such an application, it is thus submitted that the conduct of the accused persons including the petitioner appears to be reprehensible and in the event if such persons are allowed the privilege of anticipatory bail they will tamper the evidence.

6. Considering the submissions made by the learned A.P.P., the Court is not inclined to extend the privilege of anticipatory bail to the petitioner.

(Satyavrat Verma, J)

GauravSinha/-

U		T	
---	--	---	--

