

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45237 of 2023

Arising Out of PS. Case No.-224 Year-2023 Thana- CHANPATIA District- West Champaran

NITESH KUMAR @ NITESH KUMAR RAM Son of Krishna Ram Resident
of village - Jinwaliya, P.S. - Chanpatiya (Sirisiya O.P.), Distt. - West
Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Brij Kishor Mishra, Advocate

For the Opposite Party/s : Mr. Rana Randhir Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

- 3 21-09-2023 Heard learned counsel for the petitioner and the State.
2. Petitioner apprehends arrest in case registered for the offences punishable under Sections 302/34 of the Indian Penal Code.
3. As per prosecution case, on the alleged date and time of the occurrence, son of the informant along with this petitioner had gone to Garbhua to watch the orchestra. At about 12:00 AM another son of the informant namely, Ravi Kumar, came to know on the phone that his brother has been killed. On receiving the information, informant and others went to the place of occurrence and found his son in injured condition. Thereafter, while being taken to the hospital, he passed away.
4. Learned counsel for the petitioner submits that



informant is not an eye witness of the occurrence and this petitioner has been made accused only on suspicion because he allegedly accompanied the son of the informant to see the orchestra. Informant has not disclosed the source of the information in the F.I.R. It is further submitted that during course of investigation, it has come that son of the informant died due to road accident.

5. However, learned A.P.P. for the State opposes the bail application and submits that petitioner is named in the F.I.R. and during course of investigation, number of witnesses have supported the prosecution case. Moreover, post-mortem report reveals that death was caused due to haemorrhage and shock due to multiple injuries which was found on the person of deceased.

6. Considering the nature of allegation and facts and circumstances of the case, prayer for anticipatory bail of the petitioner is refused.

(Prabhat Kumar Singh, J)

Navya/-

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

