

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45530 of 2023

Arising Out of PS. Case No.-270 Year-2023 Thana- SHASTRINAGAR District- Patna

1. BITTU KUMAR @ BITTU YADAV SON OF VIRENDRA RAY R/O
GANDHI NAGAR, BORING ROAD, PS- SK PURI, DIST- PATNA
2. NEERAJ KUMAR @ NEERAJ YADAV SON OF HARENDRA YADAV
R/O WEST BORING CANAL ROAD, BEHIND MONICA APARTMENT,
WEST ANANDPURI, PS- SK PURI, DIST- PATNA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amit Narayan, Advocate
For the Opposite Party/s : Ms.Anita Kumari, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

- 2 06-09-2023 1. Heard the learned counsel for the petitioners and
the learned A.P.P. for the State.
2. This is an application for grant of anticipatory bail
in connection with Shastri Nagar PS case no. 270 of 2023,
registered for the offences punishable under Section 307 and
other allied sections of the Indian Penal Code.
3. The case of the prosecution in brief, according to
the informant, is that on 13.03.2023, the son of the informant
namely Harsh Kumar had gone to D.A.V. Public School for
giving 12th Class B.S.E.B. Exam but after the examination was
over, his son was kidnapped by the accused persons including
the petitioners herein, who had then brutally assaulted the son of



the informant and had taken him to Gosai Tola, where again he was beaten badly and then the accused persons had attempted to throw him in the river Ganges. It is alleged that 15 days back, in a marriage ceremony, all the accused persons had arrived at the venue, in an inebriated condition and had engaged in teasing females present there, however upon objection being raised, by the informant and others, they had threatened them of dire consequences.

4. The learned counsel for the petitioners submits that the petitioners are innocent, they have been falsely implicated in the present case and they are having a clean antecedent. The learned counsel for the petitioners has further submitted that the F.I.R. has been lodged on 13.03.2023 but the same was sent to the learned Trial Court only on 16.03.2023. It is also submitted that the injury report also creates a doubt regarding the date of occurrence, inasmuch as the same depicts the time of incident to be within 26 hours and since the said injury report was prepared on 13.03.2023 at 4.30 pm, the incident in question could not have taken place on 12.03.2023.

5. *Per contra*, the learned APP for the State has vehemently opposed the prayer for bail.

6. Having regard to the facts and circumstances of the



case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record as also considering the fact that specific allegation has been levelled against the accused persons including the petitioners herein of having brutally assaulted the son of the informant, resulting in him sustaining serious injuries, as is apparent from the injury report annexed to the F.I.R., this Court finds that the present case is not atleast a case for grant of anticipatory bail, hence, the same stands dismissed.

(Mohit Kumar Shah, J)

rinkee/-

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

