

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49845 of 2023

Arising Out of PS. Case No.-432 Year-2022 Thana- BIBHUTIPUR District- Samastipur

AMIT KUMAR @ BALMIKI KUMAR YADAV SON OF HARE KRISHNA
YADAV RESIDENT OF VILLAGE -SIRSI, POLICE STATION- BIBUTIPUR,
DISTRICT- SAMASTIPUR

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Abhimanyu Sharma
For the Opposite Party/s :	Mr. Shantanu Kumar
For the Informant :	Mr. Manish Kumar No.13
	Mr. Rohit Kumar
	Mrs. Priti Kumari

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 12-09-2023 Heard learned counsel for the petitioner, learned counsel
for the informant as well as learned APP for the State.

2. The petitioner apprehend his arrest in connection with
Bibutipur P.S. Case No.432 of 2022, registered for the offence
punishable under Sections 302, 34 of the Indian Penal Code.

3. The allegation against the petitioner is that he along
with other co-accused persons brutally assaulted the husband of
the informant due to which he died.

4. It is submitted by learned counsel for the petitioner that
petitioner is quite innocent and have 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. He submits that the statement of the wife of the deceased i.e. the informant was taken by the police in which did not took the name of the petitioner. There is no eye witness to the alleged occurrence in the present case. He further submits that the statement of one Vikash Kumar @ Ghanti was recorded during the course of investigation and he only disclosed the name of the petitioner and other co-accused persons. Petitioner has no criminal antecedent as also mentioned in para-3 of the bail application.

5. Learned APP for the State as well as learned counsel for the informant opposed the prayer for anticipatory bail. It is submitted by the learned counsel for the informant that the petitioner is also involved in the present case which is apparent from para-19 and 35 of the case diary.

6. Having regard to the facts and circumstances of the case, 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.

8. However, if the petitioner surrenders before the learned Court below within a period of six weeks from today and seek



for regular bail, the learned Court below shall pass the order on
the same day, in accordance with law.

(Anjani Kumar Sharan, J)

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