

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55055 of 2022

Arising Out of PS. Case No.-141 Year-2022 Thana- CIVIL LINE District- Gaya

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PANKAJ KUMAR GUPTA @ PANKAJ KUMAR SON OF AJAY KUMAR
@ AJAY PRASAD GUPTA R/O MOHALLA- MARANPUR, P.S.-
VISHNUPAD, DISTRICT- GAYA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shivendra Prasad
For the Opposite Party/s : Mr. Binod Kumar
Mr. Atul Shankar

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 23-01-2023 Heard the parties.

The petitioner apprehends his arrest in connection with Civil Lines P.S. Case No.141 of 2022, registered for the offence punishable under Sections 302/34 of the Indian Penal Code.

The allegation against the petitioner is that he alongwith other co-accused persons assaulted the brother of the informant by means of iron rod and due to which he died during the course of treatment. It is alleged that the deceased, before his death took the name of the petitioner and other accused persons.

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. The petitioner is not named in the FIR and he has been made accused in the present case only on the basis of confessional statement of co-accused Birendra Kumar, who was apprehended by the police during the investigation. Petitioner has no criminal antecedent.

Learned APP for the State as well as learned counsel for the informant opposed the prayer for anticipatory bail by submitting that the injured (deceased) was taken to the hospital for treatment, where he took the name of the petitioner and other co-accused persons.

Having regard to the facts and circumstances of the case, as the petitioner is also involved in the present case, I am not inclined to enlarge the petitioner on bail. The prayer for grant of anticipatory bail on his behalf is hereby rejected.

Accordingly, this application is dismissed.

(Anjani Kumar Sharan, J)

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