

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56426 of 2023

Arising Out of PS. Case No.-468 Year-2022 Thana- BARHARA District- Bhojpur

1. Amarjit Kumar @ Amarjit Turha @ Amarjeet Kumar @ Amarjeet Turha S/O Kanhaiya Turha Resident Of Village- Pharhada, P.S- Barhara (SINHA O.P.), Distt.- Bhojpur (ARA).
2. Khedani Devi W/O Baijnath Turha Resident Of Village- Pharhada, P.S- Barhara (SINHA O.P.), Distt.- Bhojpur (ARA).

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms.Alka Singh
For the Opposite Party/s : Mr.Nawal Kishore Prasad

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 06-12-2023 Vide order dated 15.09.2023, this petition was already stood dismissed in respect of petitioner no. 2 namely Khedani Devi.

2. Sole petitioner i.e. Amarjit Kumar apprehends his arrest in a case registered for the offence under Sections 147, 323,341, 307, 468 of the Indian Penal Code and later on, Section 302 of the I.P.C. was added.

3. Allegation against this petitioner is that he alongwith other F.I.R. named co-accused persons assaulted the informant and his family members, due to which, brother of the informant died during course of treatment.

4. It is submitted on behalf of petitioner that allegation



of assault is general and omnibus and no specific overt act has been alleged against this petitioner. F.I.R. has been lodged after a delay of three days without there being any plausible explanation of delay.

5. However, learned A.P.P. for the State vehemently opposed the prayer for anticipatory bail and submitted that during investigation, it has come that on the instigation of co-accused Khedani Devi, this petitioner alongwith co-accused Baijnath Turha assaulted the brother of informant due to which, he sustained serious injury and died during course of treatment at N.M.C.H., Patna.

6. Considering the specific accusation against this petitioner, the prayer for anticipatory bail of petitioner is rejected.

7. However, if petitioner surrenders before the court below within a period of six weeks from today and prays for regular bail, the learned court below, without being prejudiced with this order, may examine the same and pass appropriate order in accordance with law.

(Prabhat Kumar Singh, J)

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