

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66359 of 2023

Arising Out of PS. Case No.-59 Year-2023 Thana- TURKAULIYA District- East Champaran

Pawan Kumar, Son Of Birendra Upadhyay, Resident Of Village- Chargahan,
Ps- Turkauliya, Dist- East Champaran Motihari

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jitendra Narain Sinha, Advocate

For the Opposite Party/s : Mr. Upendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 20-12-2023 Heard learned counsel for the petitioner and learned
APP for the State as well as learned counsel for the informant.

2. In this case, the petitioner is apprehending his arrest in connection with Turkauliya P.S. Case No. 59 of 2023, registered for the offences under Sections 147, 341, 323, 324, 325, 308, 379, 504, 506 and 302 of the Indian Penal Code.

3. As per prosecution case, the petitioner and other co-accused persons assaulted the informant with iron rod and *lathi* and also took away Rs. 49,000/-. The informant succumbed to his injuries in course of the treatment.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The occurrence took place on 13.01.2023 but the written report was given on 14.01.2023 and it appears that the deceased



was not in a condition to give statement. The petitioner is the sole earner of his family and his family members are depended upon him for their survival and it is not believable that the petitioner would participate in such occurrence. No injuries were found on any of the vital parts of the deceased. The petitioner and the informant are close agnates and the informant had sold a piece of land belonging to the petitioner's family though the partition between two families had taken place way back in the year 1976. Father of the petitioner has filed Title Suit No. 1025 of 2015 for the aforesaid act of the informant. For this reason the petitioner and other co-accused persons have been falsely implicated in this case. There are four cases filed from the side of the petitioner against the informant and others. The petitioner is having clean antecedent.

5. Learned APP as well as learned counsel for the informant vehemently oppose the prayer for bail. Learned counsel for the informant submits that a number of injuries were caused to the informant who subsequently died during his treatment. It was a brutal assault and both the legs of the informant were fractured apart from spine, backbone and both hands which were also fractured in this assault.

6. Having regard to the facts and circumstances and



submissions made on behalf of the parties and considering the serious and specific nature of allegation against the petitioner for assaulting the informant with iron rod and *lathi* and subsequently the informant succumbed to his injuries, I do not think it is a fit case for grant of anticipatory bail to the petitioner.

7. Accordingly, the prayer for anticipatory bail of the petitioner is rejected.

(Arun Kumar Jha, J)

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