

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10129 of 2024

Arising Out of PS. Case No.-121 Year-2022 Thana- KOPA District- Saran

Abhishek Prasad S/O Om Prakash Prasad R/O Village- Samhauta Mathiya,
P.S- Kopa, Distt.- Saran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ravindra Singh

For the Opposite Party/s : Mr.Nand Kishore Pd.

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

4 16-07-2024 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with Kopa P.S. Case No. 121/2022 registered for the offences punishable under Sections 147, 148, 149, 341, 323, 324, 307 and 302 of the Indian Penal Code.

3. As per prosecution case, petitioner and 15 others armed with knife, farsa, danda and gupti are said to have surrounded the informant's son and started abusing him and when same was protested, the co-accused Arun Prasad caught the hand of informant's son and it is alleged that co-accused, Amarnath Prasad with intention to kill, gave knife blow upon the left side of his chest as a result of which bleeding started and he fell on the ground after sustaining severe injury. It is further



alleged that on raising alarm several persons came for rescue and they were also assaulted by all the accused persons. It is further alleged that all sustained injury and all were sent to Sadar hospital and in the way informant's son died.

4. Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence as alleged in the FIR and he has falsely been implicated in this case. Petitioner bears no criminal antecedent. He further submits that there is no specific allegation of assault against the petitioner, allegations are vague. During course of investigation, there is no material collected against the petitioner which demonstrates the complicity of the present petitioner with the alleged occurrence. He further submits that from perusal of the FIR, there is specific allegation against co-accused Arun Prasad who is said to have caught hand of the informant's son and thereafter, co-accused Amarnath Prasad who gave knife blow on the left chest of the informant's son. Postmortem report indicates that two external injuries upon the body of the victim. In the light of aforesaid submission, no offence is made out in the aforesaid sections against the petitioner. He further submits that there is no specific allegation against the petitioner in the entire fardbeyan of the FIR and it is general and omnibus against 16 persons. In this



way, prudently and pragmatically, it cannot be imputed that the petitioner is in any way connected with the alleged occurrence.

5. The learned A.P.P. for the State opposed the prayer for anticipatory bail of the petitioner.

6. Considering the facts and circumstances of the case, there is no specific allegation of assault against the petitioner, keeping in view clean antecedent of petitioner, argument advanced on behalf of both sides and also taking into consideration the material available on record, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1st Class, Saran in connection with Kopa P.S. Case No. 121/2022, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Alok Kumar Pandey, J)

amitkumar/-

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

