

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20538 of 2024

Arising Out of PS. Case No.-1040 Year-2022 Thana- BHAGALPUR KOTWALI District-
Bhagalpur

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1. Nandan Hari @ Chandan Hari S/O Guddu Hari Mohalla- Hari Tola Jogsar, Ps.- Kotwali (JOGSAR), Dist.- Bhagalpur.
 2. Babul Hari @ Puchhan Hari @ Buchan Hari S/O Guddu Hari Mohalla- Hari Tola Jogsar, Ps.- Kotwali (JOGSAR), Dist.- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashutosh Kumar, Advocate

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

**CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA**

ORAL ORDER

10 11-12-2024 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners apprehending their arrest in a case registered for the offence punishable under Sections 341, 323, 307, 506/34 and 302 of the Indian Penal Code.

As per allegation in the FIR, it is a case of murder of the son of the informant by the petitioners and other co-accused persons.

Learned counsel for the petitioners submits that petitioners have falsely been implicated in this case. He next submits that no specific allegation has been levelled against the petitioners where the allegation against the petitioners and other



co-accused persons is to have assaulted the deceased by means of hockey stick where only one injury has been found by the doctor.

Learned APP for the State opposes the prayer for anticipatory bail of the petitioners.

On perusal of the first information report, injury report, case diary and impugned order dated 05.12.2023, it appears that there is allegation against the petitioners to assault grievously to the son of the informant, namely, Kartik Choudhary by means of pistol and during course of treatment the son of the informant died. On perusal of the statement of the informant, in para-33 of the case diary and other witnesses in para nos.3, 4, 8, 39, 40, 41, 44 and 45 of the case diary have also corroborated the allegations as well as the prosecution case. From perusal of the injury report, it appears that one of the injury has been caused laceration size 0.5x 0.5 x 0.5 c.m. over occipital area of scalp and another injury, i.e., swelling over right side of cheek and nature of injuries are grievous. The postmortem report as mentioned in para-53 of the case diary shows that cause of death is head injury and its complication caused by hard and blunt object, so considering all aspects of the matter, I am not inclined to grant anticipatory bail to the



petitioners.

Prayer for anticipatory bail of the petitioners is hereby
rejected.

(Ramesh Chand Malviya, J)

Brajesh Kumar/-

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