

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 17003 of 2024

Arising Out of PS. Case No.-1045 Year-2022 Thana- LAKHISARAI District- Lakhisarai

Ajeet Kumar Son of Arun Kumar Resident of Village- Mahsaura, P.S.
Lakhisarai (Ramgarh Chowk), District- Lakhisarai (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Muneshwar Prasad, Adv.

For the Opposite Party/s : Mr. Anil Kumar Singh No. 1, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

4 10-05-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 341, 323, 448, 307, 379, 354(B), 506, 294, 504 and 34 of the I.P.C.

3. As per the prosecution case, the F.I.R. has been lodged against five named accused persons including the present petitioner. In the F.I.R., the allegation is against the petitioner and one Abhishek Kumar that they have assaulted the informant's son by means of iron rod, due to which injury has been caused.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He further submits that the antecedent of the petitioner is clean. He further

submits that the co-accused Arun Kumar has been granted bail by the Co-ordinate Bench of this Court vide order dated 18.01.2024 passed in Cr. Misc. No. 85169 of 2023. He further submits that the F.I.R. has been lodged on 31.12.2022, whereas the informant who belongs to the medical profession has obtained injury prior to the event which he has obtained through under R.T.I., as such, the said injury is not correct and on this ground alone, this case is falsified and as such, the petitioner deserves for bail.

5. Learned A.P.P. for the State opposes the prayer for bail and submits that there is specific allegation against the petitioner to assault the informant's son on his head, namely, Kamal Kumar. He further submits that by way of supplementary affidavit, the petitioner has filed the injury report of Karamsheel Kumar not of Kamal Kumar. Therefore, the pleading of the petitioner may not be accepted. He further submits that granting bail to another accused from the Co-ordinate Bench is a discretion of the Court but against the present petitioner, there is a specific allegation.

6. Upon perusal of the bail granted to Arun Kumar, it transpires to this Court that Arun Kumar is the member of mob. There is no specific allegation against him but against the

present petitioner, there is a direct allegation to assault on the head of the informant’s son.

7. In the present facts and circumstances of the case and the submissions made above, this Court is not inclined to grant anticipatory bail to the petitioner and therefore, his bail petition is hereby rejected.

8. The petitioner is directed to surrender before the learned Court below within a period of six weeks from today. The Court shall pass order on regular bail considering the merit and without prejudice from the order of rejection.

(Dr. Anshuman, J)

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