

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20547 of 2024

Arising Out of PS. Case No.-58 Year-2022 Thana- AKILPUR District- Saran

Sanjay Ray S/o Vijay Ray R/o vill - Purani Panapur, P.S. - Akilpur, Distt. - Patna

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dhananjay Kumar Tiwary, Advocate

For the Opposite Party/s : Mr. Bharat Bhushan, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 19-07-2024 Heard learned counsel for the petitioner and learned counsel for the State.

2. The petitioner apprehends his arrest in connection with Akilpur P.S. Case No. 58 of 2022 for the offence registered under Sections 341, 323, 324, 354(b), 379, 504 and 506/34 of the Indian Penal Code and later on Section 302 of the Indian Penal Code added.

3. As per the prosecution story, the informant alleged that the accused persons including this petitioner armed variously came and started abusing when this was objected, Pappu Rai used 'iron rod' and the same was inserted in the mouth of Harendra Rai whereafter the other accused persons also assaulted the informant. This led to the lodging of the FIR.

4. Subsequently, it transpired that Harendra Rai,



brother-in-law of the informant made statement in the P.M.C.H., Patna beside the dead body of his son, Nitish Kumar wherein he alleged that all the accused persons including the petitioner brutally assaulted his son, immediately shifted to the hospital from Nasriganj Nursing Home but succumbed to the injury. This statement is now part of the FIR and that makes story clear *inasmuch* as Section 302 of the Indian Penal Code has also been added.

5. The allegation of assault amongst other on this petitioner also. Though it is omnibus in nature, this is an anticipatory bail which cannot be extended to the petitioner. Accordingly, the same is rejected.

(Rajiv Roy, J)

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