

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28861 of 2024

Arising Out of PS. Case No.-1227 Year-2023 Thana- SONEPUR District- Saran

1. Divyanshu Gautam S/O Ajay Singh @ Ajay Kumar R/O Village- Phadi Chak, Ward No. 6, P.S- Sonpur, Distt.- Saran.
2. Vicky Gautam @ Vikash Kishore Gautam S/O Ajay Singh @ Ajay Kumar Singh R/O Village- Phadi Chak, Ward No. 6, P.S- Sonpur, Distt.- Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Krishna Kumar Yadav, Adv.
For the Opposite Party/s : Mr. Mohammad Sufyan, APP
Mr. Awadhesh Kumar Singh, Adv.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 21-06-2024 Heard learned counsel for the petitioners and learned counsel for the State as well as for the Informant.

2. The petitioners apprehend their arrest in connection with Sonepur P.S. Case No. 1227 of 2023 registered under Sections 341, 323, 307, 379, 302 and 34 of the Indian Penal Code.

3. As per prosecution case, all the FIR named accused persons including this petitioner assaulted the father of the informant by means of iron rod leading to his death.

4. Submission of learned counsel for the petitioners is that specific allegation of assault on the head of the father of the informant is against co-accused Bittu Singh and there is general and omnibus allegation against the petitioners that they



assaulted the deceased with *lathi*. He further submits that postmortem report does not support the prosecution case and opines that the deceased had sustained only one injury on the head.

5. Learned A.P.P. appearing on behalf of the State and learned counsel for the informant opposed the prayer for bail by contending that these petitioners assaulted the father of the informant leading to his death. It is further contended that these petitioners have suppressed their criminal antecedents as petitioner no. 1 has got 6 criminal antecedents and petitioner no. 2 has got 5 criminal antecedent but in paragraph no. 3 to the bail petition, it is mentioned that petitioners have got only four criminal antecedents. Hence, petitioners do not deserve to be enlarged on anticipatory bail.

6. Having considered the nature of the accusation and the long criminal history of these petitioners, this Court is not inclined to grant anticipatory bail to the petitioners. Accordingly, prayer for bail of the petitioners is rejected.

(Prabhat Kumar Singh, J)

utkarsh/-

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

