

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32517 of 2024

Arising Out of PS. Case No.-252 Year-2023 Thana- HUSSAINGANJ District- Siwan

Abhishek Kumar @ Abhishek Son Of Biresh Kumar Yadav Village - Sidhwal,
P.S. - Hussainganj, District - Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bijay Prakash Singh, Advocate

For the Informant : Ms. Kumari Anupam, Advocate

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

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

- 5 20-09-2024 1. Heard learned counsel for the petitioner, learned counsel for the informant and the learned APP for the State.
2. The petitioner apprehends his arrest in connection with Hussainganj P.S. Case No. 252 of 2023 dated 08.10.2023 registered for the offence(s) punishable under Section(s) 341, 307, 447, 302, 504 read with Section 34 of the Indian Penal Code.
3. As per prosecution, Arjun Kumar Yadav (informant) stated that on 07.10.2023 at about 7:00 P.M., when he was talking to his family at the door of his house the accused persons namely, Mohit Kumar, Abhishek Kumar (petitioner) Rajiv Kumar, Biresh Yadav and Arun Kumar Yadav came with weapons and asked the informant's father (deceased) to withdraw the murder case of Hathua and on refusal to do so, the



Biresh Yadav and Arun Yadav ordered the other accused to attack the deceased then the accused Mohit Kumar and Rajiv Kumar assaulted the deceased with an iron angle due to which the deceased sustained injury and fell to the ground. On witnessing this, the informant's grand-father came forward to rescue his son, thereafter he was also assaulted by the petitioner Abhishek Kumar and co-accused Arun Kumar. During the course of treatment, the informant's father succumbed to his injuries.

4. Mr. Bijay Prakash Singh, learned counsel for the petitioner submits that the petitioner is not alleged to have assaulted the informant's father and the allegation made against him is general and omnibus and he has got no criminal antecedent and all the family members of the petitioner have been made accused. It is further submitted that the petitioner is not accused in the Hussainganj P.S. Case No. 219 of 2021.

5. On the other hand, Ms. Kumari Anupam, learned counsel appearing for the informant has vehemently opposed the prayer of the petitioner and submitted that there is serious allegation against this petitioner as the petitioner's father namely Biresh Kumar Yadav was involved in the murder of informant's father's another son regarding which Hussainganj



P.S. Case No. 219 of 2021 was lodged and the accused named in the FIR including the petitioner were pressurizing the informant's father to withdraw the said case and when he resisted to their pressure then he was brutally assaulted by the co-accused Mohit Kumar and Rajiv Kumar and this petitioner was also present there at that time and he and co-accused Arun assaulted the informant's grand-father aged about 80 years causing grievous injury to his left arm.

6. Having considered the seriousness of the allegation appearing against this petitioner from the FIR, in my opinion, it is not a fit case for anticipatory bail to the petitioner. Accordingly, his prayer stands rejected.

(Shailendra Singh, J)

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