

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34253 of 2024

Arising Out of PS. Case No.-319 Year-2023 Thana- LALGANJ District- Vaishali

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1. Pramod Kumar @ Pramod Singh son of Ramnath Singh Village-Parmanandpur, P.S. Lalganj, District-Vaishali
 2. Prabhat Kumar @ Govind Singh son of Sumernath Singh Village-Parmanandpur, P.S. Lalganj, District-Vaishali
 3. Prashant Kumar @ Prashant Singh son of Sumernath Singh Village-Parmanandpur, P.S. Lalganj, District-Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Vasant Vikas, Advocate Mr. Pranay Kumar, Advocate
For the Opposite Party/s	:	Mr. Umeshanand Pandit, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 27-06-2024 Heard Mr. Vasant Vikas, learned counsel for the petitioners and Mr. Umeshanand Pandit, learned A.P.P for the State.

2. The petitioner apprehends his arrest in a case registered for offence under Sections 147, 341, 323, 379, 504, 506 of the Indian Penal Code and later on, Section 302 of the Indian Penal Code was added.

3. As per prosecution case, on 07.09.2023, at about 8:00 AM, while informant was at his shop, all the F.I.R. named accused persons including these petitioners came and started abusing him and on protest, all the accused persons assaulted him and took away cash of Rs. 5,000/- from the shop. During course of treatment, after five days of the occurrence, the



informant died.

4. Learned counsel for the petitioner submits that petitioners have been falsely implicated in this case. The present case is counter blast of Lalganj P.S. Case no. 320 of 2023, which has been lodged by petitioner no. 2 against informant and others. F.I.R. has been lodged after a delay of 3 days and there is no plausible explanation of delay. Allegation of assault is general and omnibus and no specific overt act has been alleged against these petitioners. In the *post-mortem* report also, the cause of death is ‘Cardiac Failure’.

5. However, learned A.P.P. for the State vehemently opposes the prayer for anticipatory bail and submits that all the F.I.R. named accused persons including these petitioners assaulted the informant, as a result of which, the informant died. The medical evidence also corroborates the prosecution case, as the doctor has found multiple external injuries on the person of deceased.

6. Considering the aforesaid facts and circumstances, the prayer for anticipatory bail of petitioner is rejected.

(Prabhat Kumar Singh, J)

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