

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34712 of 2024

Arising Out of PS. Case No.-526 Year-2023 Thana- BAKHTIYARPUR District- Patna

Permod Rai @ Akash Kumar @ Pramod Rai Son Of Shankar Ray R/O
Village- Naya Tola, Bariyarpur, P.S.- Bakhtiyarpur, Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Kashyap, Advocate

For the Opposite Party/s : Mr. Harendra Prasad, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 20-07-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in connection
with Bakhtiyarpur P.S. Case No. 526 of 2023 registered for the
offences punishable under Sections 302 & 34 of the Indian
Penal Code.

3. Prosecution case in short is that on the alleged date
and time, the brother of the informant told him on phone that
petitioner along with other co-accused persons were assaulting
him, and he further told that it seemed him that they would kill
him. It is further alleged that when the informant searched his
brother, he found that his brother was dead and was hanging in a
Pipal tree with a *gamchha*. It is further alleged that the



informant saw five persons including this petitioner fleeing away from the place of occurrence.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence as alleged against him and has falsely been implicated in the present case. Learned counsel for the petitioner submits that there is no eye witness to the occurrence. He goes on to submits that occurrence took place in the night and no one seen the occurrence. Other co-accused has been granted regular bail by this Court *vide* orders dated 01-05-2024 & 17-05-2024, passed in Cr. Misc. No. 18945 of 2024 & Cr. Misc. No. 38643 of 2024, respectively.

5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of anticipatory bail to the petitioner. He submits that brother of the informant has seen the petitioner fleeing away from the place of occurrence, which fact is corroborated by the identification of accused persons, including the petitioner *via* CCTV footage.

6. Considering the rival submissions made by the learned counsel for the parties, taking into account the fact that petitioner was seen fleeing away from the place of occurrence, this Court is not inclined to grant anticipatory bail to the



petitioner.

7. Accordingly, the prayer for anticipatory bail of the petitioner is *rejected*.

8. However, if the petitioner surrenders before the court below within a period of four weeks from today and prays for regular bail, the same would be considered by the court below in accordance with law without being prejudiced by the order of this Court.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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