

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38242 of 2024

Arising Out of PS. Case No.-271 Year-2023 Thana- LALGANJ District- Vaishali

Mithilesh Kumar S/O MAHESH SAH R/O village- Sahdullahpur, p.s-
Lalganj, District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Ms. Bela Singh, Adv.
For the Opposite Party/s :	Mr. Pranav Kumar, APP
	Mr. Shyameshwar Kumar Singh, Adv.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 26-10-2024 Heard learned counsel for the petitioner, learned
A.P.P. for the State and learned counsel for the informant.

2. The petitioner apprehends his arrest in connection with
Lalganj P.S. Case No. 271 of 2023 registered under Sections
147, 148, 447, 341, 323, 307, 379, 354, 302, 504 and 506 of the
Indian Penal Code.

3. As per prosecution case, on 31.07.2023 at about 2 pm,
all the FIR named accused persons including this petitioner
brutally assaulted informant and his family members, as a result
of which, mother of informant sustained multiple fracture
injuries and during course of treatment, she died.

4. Learned counsel for the petitioner submits that petitioner
is innocent and has falsely been implicated in the present case



due to enmity. Further submission is that both parties are *pattidars* and a Title Suit No. 587 of 2020 and Complaint Case No. 373 of 2021 are also pending between them for which some altercation took place. Allegation of assault is general and omnibus. Petitioner has got clean antecedent.

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 petitioner is named in the FIR and there is direct and specific allegation of against this petitioner that he along with other accused persons brutally assaulted informant and his family members, as a result of which mother of informant sustained grievous injury and during course of treatment, she died. Postmortem report reveals that mother of informant sustained multiple fracture injuries. Hence, petitioner does not deserve to be enlarged on anticipatory bail.

6. Having considered the nature of accusation and gravity of offence, this Court is not inclined to grant anticipatory bail to the petitioner. Accordingly, prayer for bail of the petitioner is rejected.

(Prabhat Kumar Singh, J)

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