

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41520 of 2024

Arising Out of PS. Case No.-270 Year-2023 Thana- SANDESH District- Bhojpur

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Akhileshwar Kumar @ Akhileshwar Keshari Son of Prayag Saw Resident of
Village- Pinjoroi (Ramasandh), P.S- Sandesh, Dist- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Gopal Govind Mishra, Advocate

For the Opposite Party/s : Mr. Satyendra Narayan Singh, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 20-07-2024 Heard learned advocate appearing on behalf of the

petitioner and learned Additional Public Prosecutor for the

State.

2. The petitioner apprehends his arrest in connection
with Sandesh P.S. Case No. 270 of 2023, registered for the
offences punishable under Sections 447, 341, 323, 304, 34 of
the Indian Penal Code.

3. It is alleged that while the informant was sitting
along with his father in his house, in the meantime the petitioner
along with other co-accused persons came there and started
assaulting them. When the uncle of the informant came to
rescue his brother, the petitioner and others also assaulted him
due to which the informant and his father sustained severe
injuries and uncle of the informant died on account of injury



during the course of the treatment.

4. Learned advocate appearing on behalf of the petitioner contended that both the parties are Gotiya and next door neighbours. The alleged occurrence took place on 09.11.2023 at about 5 P.M. and on the same day the uncle of the informant died but surprisingly the F.I.R. has been instituted on 11.11.2023, after cremation of the dead body without any post mortem. It is also the contention of the petitioner that in fact the uncle of the informant died on account of heart ailment while he was under treatment in Paras Hospital. Taking note of the above noted facts this court has allowed the privilege of anticipatory bail to other co-accused persons in Cr. Misc. No.16788 of 2024 vide order dated 20.03.2024. The petitioner bears fair antecedent and undertakes that he will fully cooperate in the proceedings of the Court.

5. On the other hand, learned counsel for the State vehemently opposed the pre-arrest bail application and submitted that the petitioner has actively participated in the crime.

6. Regard being had to the submissions made on behalf of the parties and considering the delay in lodging of the F.I.R. and the fact that the dead body of the uncle of the



informant has been cremated without giving any information to the concerned Police Station coupled with the fact that other co-accused persons having identical allegation have been allowed the anticipatory bail, let the petitioner above named be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, Ara, Bhojpur, in connection with Sandesh P.S. Case No. 270 of 2023, subject to the conditions laid down in Section 438(2) Cr.P.C. with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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