

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37792 of 2023

Arising Out of PS. Case No.-256 Year-2022 Thana- FATEHPUR District- Gaya

AKHILESH KUMAR @ AKHLESH KUMAR Son of Vikram Kumar
Resident of village - Kumbhiyatari, P.S. - Fatehpur, Distt. - Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Arvind Kumar Singh
For the Opposite Party/s :	Mr. Anand Kishore Choudhary
	Mr. Kamal Kumar Sinha

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

5 04-01-2024 Heard learned counsel for the petitioner, learned counsel for the informant and learned A.P.P. for the State

2. The petitioner apprehends his arrest in Fatehpur P.S. Case No. 256 of 2022 registered for the offences punishable under Sections 341, 323, 504, 506, 307 & 379/34 of the Indian Penal Code pending in the Court of learned A.C.J.M.-X, Gaya.

3. All the F.I.R. named accused persons including this petitioner in furtherance of their common intention armed with deadly weapons are said to have assaulted the informant and her family members with intention to kill them due to which they sustained injuries on vital part also.

4. It is submitted by learned counsel for the petitioner that no such occurrence as alleged ever took place. He has been falsely



implicated in this case due to dirty village politics and grazing of cattle. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. It is further submitted that the alleged occurrence is said to have taken place on 06.05.2022 but the F.I.R. of this case has been transmitted to the learned Court below on 17.05.2022 i.e. after about ten days delay without assigning any cogent reason for the said delay, which creates serious doubt about the prosecution case. Petitioner has no criminal antecedent as mentioned in para-3 of this application.

5. Learned APP for the State assisted by learned counsel for the informant vehemently opposing the bail petition submitted that after investigation the police has found the case true against the petitioner. It is further submitted that the allegation levelled against the petitioner is serious in nature, hence the petitioner does not deserve bail.

6. Considering the facts and circumstances of case and the fact that the injury attributed by the petitioner is grievous in nature, I am not inclined to enlarge the petitioner on anticipatory bail. The prayer for anticipatory bail of the petitioner is hereby rejected. However, if the petitioner surrenders before the learned Court below within six weeks from today and seek regular bail,



the learned Court below would pass order on the same day in
accordance with law without being prejudiced by this order.

(Anjani Kumar Sharan, J)

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