

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51128 of 2024

Arising Out of PS. Case No.-397 Year-2023 Thana- SUPAUL District- Supaul

CHHOTU KUMAR @ CHHOTU MANDAL SON OF UMESH KUMAR
PATEL VILLAGE- KARIHO DIH TOL PS AND DISTRICT- SUPAUL

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Murari Narain Chaudhary, Adv.

For the Opposite Party/s : Mr. Suman Kumari Singh, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 20-09-2024 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in a case registered for the offences punishable under Section 341, 323, 324 and 302/34 of the Indian Penal Code.

3. As per the prosecution case, on 22.05.2023, the informant's son had gone to visit the marriage ceremony of the daughter of Sato Mukhiya, where a scuffle took place between the *Barati* and the villagers, as a result of which, one boy got injured from the side of *Barati*. Thereafter, the co-accused persons Lala Mukhiya and Madan Mukhiya took the son of the informant to the *pandal* of the *Barat* at the door of Deena Babu. Later on, the informant also reached there and saw that the co-



accused Lala Mukhiya and Madan Mukhiya and some other persons of the *Barati* assaulted the informant's son and in course of assault, the co-accused Lala Mukhiya and Madan Mukhiya stabbed him with sharp weapon on his chest and stomach and the other co-accused persons assaulted him with fists and legs, due to that, blood started oozing from the chest and thereafter he fell down on the ground and thereafter the accused persons fled away from there. The son of the informant was brought to Supaul for his treatment but during the course of treatment, he died.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. The petitioner is not named in the FIR. His name has come in the present case on the basis of recognition of face from the photographs shown by the I.O. There is general and omnibus allegation against the petitioner. There is no allegation of committing murder of the informant's son against the petitioner rather the same is alleged against the co-accused Lala Mukhiya and Madan Mukhiya. The name of the petitioner has transpired during the course of investigation as stated at para 59 of the case diary. The petitioner has no concern with the alleged offence. The petitioner has no criminal antecedent as stated at



para 3 of the bail petition. The similarly situated co-accused has been granted regular bail by this Court vide order dated 25.07.2024 in Cr. Misc. No. 45963 of 2024.

5. Learned A.P.P. for the State has vehemently opposed the prayer for anticipatory bail of the petitioner.

6. Considering the aforesaid facts and circumstances of the case, let the above named petitioner, in the event of his arrest/surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail-bond of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of the learned court concerned, Supaul in connection with Supaul P.S. Case No. 397 of 2023, subject to conditions as laid down under section 438(2) of the Code of Criminal Procedure.

7. The application stands allowed.

(Chandra Prakash Singh, J)

Shivam/-

U		T	
---	--	---	--

