

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54874 of 2024

Arising Out of PS. Case No.-151 Year-2023 Thana- JURAWANPUR District- Vaishali

Vishwanath Ram S/o Sukhi Ram R/o Village- West Radhopur, P.S.-
Judabanpur, District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Subodh Kumar, Advocate
	:	Mr. Amrendra Kumar, Advocate
For the Opposite Party/s	:	Mrs. Renu Kumari, APP

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

ORAL ORDER

2 23-08-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest in connection with Judabanpur P.S. Case No. 151 of 2023 instituted for the offences under Sections 302, 34 of the Indian Penal Code.

3. Prosecution case, in short, is that, on the alleged date and time of occurrence, all the accused persons including this petitioner armed with lathi-danda and iron rod started assaulting the informant and her family members due to which they sustained injuries. It is further alleged that this petitioner gave iron rod blow on the head of the deceased due to which he fell down and, later on, died.

4. Learned counsel for the petitioner submitted that the



petitioner has falsely been implicated in the present case. Learned counsel further submitted that it is evident from the FIR itself that there is previous land dispute between the parties and, therefore, the petitioner has falsely been implicated in this case and the allegations levelled against the petitioner are false and concocted. Learned counsel further submitted that, in fact, petitioner was not present at the place of occurrence on the alleged date and time. It has been submitted on behalf of the petitioner that the petitioner has no criminal antecedent.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner and submitted that there is specific allegation of assaulting the deceased by means of iron rod due to which he sustained fatal injuries and later on died. Learned counsel, therefore, prays that the petitioner does not deserve the privilege to be released on anticipatory bail.

6. Having considered the rival submissions made on behalf of the parties and the material placed on record, taking into account the nature and gravity of offence and the fact that there is specific allegation of assaulting the deceased against this petitioner, this Court is not inclined to grant bail to the petitioner.



7. The prayer for grant of bail to the petitioner is, hereby, rejected.

8. However, petitioner is granted liberty to surrender before learned court below and, thereafter, seek regular bail before the same and the learned court below shall consider the same on its own merit, without being prejudiced by this order.

(Rudra Prakash Mishra, J)

Alok Verma/-

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