

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54442 of 2024

Arising Out of PS. Case No.-61 Year-2021 Thana- BIHTA District- Patna

Raushan Kumar Son of Late Arvind Singh @ Late Arvind Kumar R/O Vill.-
Babhanlai, P.s.- Bihta, Dist.- Patna

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bindhyachal Singh, Sr. Adv
Ms. Nikita Mittal, Adv
For the Opposite Party/s : Mr.Narendra Kumar Singh

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 09-08-2024 1. Heard learned counsel for the senior petitioner and learned A.P.P. for the State.
2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 341, 323, 324, 379, 504, 307, 506, 34 and 302 of the Indian Penal Code.
3. Learned senior counsel for the petitioner submits that the petitioner is a person with clean antecedent and the informant alleges that the accused persons including the petitioner came and assaulted him by *lathi*, *danda* and rod causing injury on his head and when his son came to save him, he was also assaulted.
4. Learned senior counsel submits that from perusal of allegation as alleged in the FIR, it would manifest that the



FIR came to be instituted after three days of the occurrence and the informant died during the course of the treatment. It is further submitted that informant was an old man and he died his natural death on account of cardiac failure and the assault was not the proximate cause of his death. Learned senior counsel further submits that police after threadbare investigation came to a considered conclusion that petitioner is innocent and thus submitted final form exonerating him of the allegation finding him innocent but then the learned Magistrate differing with the police report took cognizance as such the petitioner apprehends his arrest.

5. Learned senior counsel further submits that whether it would be prudent for this Court to send the petitioner to jail based on cognizance which came to be taken based on the same investigation which found the petitioner to be innocent.

6. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

7. Considering the submissions made by the learned senior counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/-



(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Bihta P.S. Case No. 61 of 2021, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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