

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53422 of 2024

Arising Out of PS. Case No.-520 Year-2023 Thana- GARKHA District- Saran

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BABLU RAI, Male, Aged about 31 years, S/O LATE NATHUNI RAI, R/O VILLAGE- KASINA, P.S- GARKHA, DISTT.- SARAN AT CHAPRA (BIHAR).

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Ashutosh Kumar Singh, Advocate
For the Opposite Party/s	:	Mr.Dr. Ajeet Kumar, APP
For the informant	:	Mr. Anant Kumar Bhaskar, Advocate

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 29-11-2024 Heard Mr. Ashutosh Kumar Singh, learned counsel appearing on behalf of the petitioner; Mr. (Dr.) Ajeet Kumar, learned APP for the State and Mr. Anant Kumar Bhaskar, learned counsel for the informant.

2. The petitioner seeks pre-arrest bail in connection with Garkha P.S. Case No. 520 of 2023 registered for the offence(s) punishable under Sections 147, 148, 149, 341, 354(B), 323, 307 and 504 of the Indian Penal Code and Section 302 of the IPC was later added on.

3. As per the allegation made in the FIR, the accused persons named in the FIR including the petitioner assaulted on the head of the informant, who in course of treatment died. Specific allegation of assault is against petitioner.



4. Learned counsel appearing on behalf of the petitioner submitted that there is case and counter case and day before the FIR dated 14.08.2023 lodged by the informant, who succumbed to injury, the petitioner's side had lodged FIR dated 13.08.2023, in which, the petitioner was brutally assaulted and he had sustained injury on his shoulder. He further submitted that even the injury as alleged in the FIR is not substantiated with the injury report as according to the opinion of the doctor, the head injury has been caused to the deceased/informant as a result of blow of hard and blunt substance, while the deceased/informant has given information that she had sustained blow of sword. The injury report is also not corroborated with the allegation made in the FIR against the petitioner. Learned counsel further submitted that petitioner had earlier moved before this Court by filing Cr. Misc. No.83257 of 2023, which was dismissed as withdrawn with respect to the petitioner *vide* order dated 09.04.2024. In the changed circumstances and also in view of the postmortem report, from which, it appears that death was caused due to hard and blunt substance blow on the head, the petitioner has filed the present anticipatory bail application.

5. Mr. Anant Kumar Bhaskar, learned counsel



appearing on behalf of the informant has vehemently opposed the prayer for grant of anticipatory bail of the petitioner and he informs that the petitioner is the one, who is the main accused and as a result of his assault on the head, the informant who had a day before with her own eyes has seen the entire incidence has died and as such there being direct allegation against the petitioner, the petitioner don't deserve to be released on bail and also for the fact that he has been absconding since the date of lodging of the FIR in absence of any protection of the Court.

6. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail.

7. Having considered the rival submissions made on behalf of the parties, as well as, in view of the seriousness of the allegation made in the FIR, in which the informant herself was the eye-witness and has lodged the FIR and a day after the incidence, she succumbed to injury. I am not inclined to grant pre-arrest bail to the petitioner. Accordingly, the present bail application stands dismissed.

(Purnendu Singh, J)

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