

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53561 of 2024

Arising Out of PS. Case No.-5 Year-2024 Thana- BEGUSARAI TOWN District- Begusarai

Pankaj Kumar @ Pankaj Singh son of Late Shaligram Singh @ Gandhiji
Resident of Village- Mirjapur Banduwar Ps- Nagar Begusarai Dist- Begusarai
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amar Kumar Singh, Advocate
For the Opposite Party/s : Mr. Rabindra Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 3 05-10-2024 1. Heard learned counsel for the petitioner and Mr. Rabindra Kumar learned A.P.P. for the State.
2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 302 and 201/34 of the Indian Penal Code.
3. Learned counsel for the petitioner submits that petitioner is a person with clean antecedent and the informant alleges that accused persons including the petitioner intercepted her and her son while they were coming back home near a temple and Rampati pulled her son and started assaulting him, thereafter petitioner assaulted him by an iron rod causing injury on back side of the head, thereafter Chakravarti assaulted on his face, next alleges that Rampati Kumar, Vipul and Chintu also assaulted the son of the informant causing injury on head and face and kept assaulting him and left thinking that he is dead



thereafter he was brought to hospital where he was declared dead.

4. Learned counsel for the petitioner submits that petitioner has been falsely implicated in the instant case by the informant. It is further submitted that the date of occurrence is 01.01.2024 and the inquest was prepared on 02.01.2024 at 08:30 p.m. thereafter the body was sent for postmortem on the same day i.e. 02.01.2024 and thereafter the instant FIR came to be instituted on 03.01.2024 which casts an aspersion on the case of the prosecution. It is next submitted that informant in her subsequent statement though has alleged about the assault but then the allegation is not specific.

5. Learned A.P.P. for the State vehemently opposes the prayer for anticipatory bail of the petitioner and submits that mother of the deceased was accompanying the deceased when the occurrence is alleged to have taken place. It is further submitted that informant is an eyewitness to the occurrence and she has specifically alleged that petitioner assaulted her son by an iron rod causing injury on back side of the head, thereafter other accused also assaulted. It is next submitted that it absolutely does not stand to reason that as to why the informant would try to implicate the petitioner falsely knowing that he had



not assaulted her son. It is also submitted that the fact which stands admitted is that on account of assault the son of the informant died.

6. Considering the submissions made by the learned A.P.P., the Court is not inclined to extend the privilege of anticipatory bail to the petitioner in connection with Begusarai Town P.S. Case No. 05 of 2024 pending in the Court of learned Chief Judicial Magistrate, Begusarai/Successor Court.

7. Hence, the prayer for anticipatory bail is rejected.

(Satyavrat Verma, J)

Kundan/-

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

