

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60912 of 2024

Arising Out of PS. Case No.-342 Year-2022 Thana- BIBHUTIPUR District- Samastipur

Kundan Kumar @ Kundan Kumar Ray son of Rambahadur Ray Resident of
village -Kalyanpur jagannathpur, P.S.- Bibhutipur, District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raja Ram Mishra, Adv.

For the Opposite Party/s : Mr. Rajendra Prasad Nat, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 11-09-2024 Heard learned Counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest in connection with Bibhutipur P.S. Case No. 342 of 2022 for the offence registered under sections 341, 323, 307, 379, 504 and 334 of IPC lodged on 22.08.2022 by the informant Virendra Kumar Rai.

3. As per the prosecution story, the informant alleged that on 05.08.2022, the petitioner came to the house of the informant and took his brother for playing cricket. Later, the petitioner brought his brother home, who was badly injured and it seems he was brutally assaulted. The petitioner immediately fled away from the scene, later he got information that this petitioner along with other boys assaulted his brother with



bamboo and also snatched his mobile phone. This followed the FIR.

4. Learned counsel for the petitioner submits that she was a person who took the brother to home and as such, he cannot assault. However, learned APP has taken this Court to the learned Sessions Judge order to show that the boy was brutally assaulted and the injuries have been found to be grievous in nature. It is his further submission that the petitioner is named accused and the FIR was lodged in the year 2022 but he has come before this Court after two years.

5. Taking into account the aforesaid submission as also the fact that he was a person who took the informant's brother to the playground, made him suffer as he was assaulted brutally and later chose to come before this Court after two years, no case of anticipatory bail is made out, rejected.

(Rajiv Roy, J)

Vijay Singh/-

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