

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58759 of 2023

Arising Out of PS. Case No.-102 Year-2023 Thana- BATHNAHA District- Sitamarhi

LALU SINGH SON OF KAPLESHWSR SINGH RESIDENT OF
VILLAGE- SONBARSA, PS- BATHNAHA, DISTT- SITAMARHI

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Ravi Ranjan
For the Opposite Party/s :	Mr. Lalan Kumar
	Mr. Alok Kumar Jha

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 18-01-2024 Heard learned counsel for the petitioner, learned
counsel for the informant as well as learned Additional Public
Prosecutor for the State.

2. The petitioner apprehends his arrest in connection with
Bathnaha P.S. Case No.102 of 2023, registered for the offence
punishable under Sections 447, 341, 323, 307, 379, 504, 34 of
the Indian Penal Code.

3. The allegation against the petitioner is that he assaulted
the informant's father on his head due to which he got injured
and later on died during the course of treatment.

4. It is submitted by learned counsel for the petitioner that
petitioner is quite innocent and have committed no offence. He
has been falsely implicated in this case. No such occurrence, in



the manner as alleged, has ever taken place. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. He submits that there is a delay in lodging of the FIR, which creates a serious doubt over the genuineness of the prosecution case. He further submits that the occurrence took place on 08.03.2023 but there is no injury report of the said date in the case diary. He further submits that several similarly situated co-accused persons have been granted anticipatory bail by a co-ordinate Bench of this Court vide order dated 16.08.2023 passed in Cr. Misc. No.49688 of 2023. Petitioner has no criminal antecedent, which is also mentioned in para-3 of the bail application.

5. Learned APP for the State as well as learned counsel for the informant opposed the prayer for anticipatory bail. It is submitted by the learned counsel for the informant that there is specific allegation against the petitioner to assault the deceased by means of bamboo and the post-mortem report enclosed in the case diary has also supported the prosecution case.

6. Having regard to the facts and circumstances of the case as well as considering the nature of offence, I am not inclined to enlarge the petitioner on bail. The prayer for grant of anticipatory bail on his behalf is hereby rejected.



7. However, if the petitioner surrenders before the learned Court below within a period of six weeks from today and seek for regular bail, the learned Court below shall pass the order on the same day in accordance with law.

(Anjani Kumar Sharan, J)

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