

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69811 of 2024

Arising Out of PS. Case No.-129 Year-2024 Thana- KAJI MUHAMMADPUR District-
Muzaffarpur

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Abhiraj Kumar @ Jhunnu @ Adiraj @ Abhiraj, Son of Surendra Prasad
Singh, Resident of Village - Khabra Brahmsthan, Police Station - Sadar,
District - Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Ramakant Sharma, Sr. Advocate Mr. Rakesh Kumar Sharma, Advocate
For the Opposite Party/s	:	Mr. Jagdhar Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 23-10-2024 Heard Mr. Ramakant Sharma, learned Senior
Advocate for the petitioner and learned APP for the State.

2. The petitioner apprehends his arrest in connection
with Kazimohammadpur P.S. Case No. 129 of 2024 registered
for the offence punishable under Section 302/34 of the Indian
Penal Code.

3. Based upon the *fardbeyan* of the informant, the
prosecution alleges that on 12.04.2024 at about 04:30 in the
evening, when the father of the informant had gone to bring
vegetables, in the meantime, he received information from the
police that his father is lying injured, whereupon, he rushed
there. The nearby people disclosed that his father was assaulted
by three accused persons including the petitioner leading to



serious injuries. The father of the petitioner was taken to Sadar Hospital from where he was referred to S.K.M.C.H., however, in course of treatment, he succumbed to his injuries.

4. Learned Senior Advocate for the petitioner referring to the FIR, firstly contended that the informant is not an eyewitness to the alleged occurrence. The FIR clearly discloses that the informant came to know from the police and some other persons that his father was assaulted by the FIR named accused persons including the petitioner but, surprisingly, the name of such persons have not been disclosed, who had seen the occurrence and stated that the petitioner was the person along with other who assaulted the father of the informant. It is further contended that during the course of investigation, one Raushan @ Tendu Daruwala was apprehended and he confessed his crime before the police but even in his confessional statement, he did not take the name of the petitioner with regard to the participation in the crime on the alleged date of occurrence, leading to death of the informant's father. It is lastly contended that barring the confessional statement and suspicion, there is no material suggesting involvement of the petitioner in the present crime.

5. On the other hand, learned APP for the State



vehemently opposed the bail application and submitted that the petitioner is named in the FIR. Moreover, he bears three criminal antecedent.

6. In response to the aforesaid statement, the learned Senior Advocate for the petitioner contended that all the three criminal cases, particulars of which have been duly mentioned in para-3 of the bail application, are not of serious nature and the petitioner is on bail in those cases.

7. Regard being had to the submissions made on behalf of the parties and considering the fact that the name of the petitioner has been disclosed by the informant as one of the accused, who assaulted the father of the informant, leading to his death, coupled with the criminal antecedent of the petitioner, this Court is not inclined to grant anticipatory bail to the petitioner. Accordingly, his prayer is rejected.

8. If the petitioner surrenders before the Court below within a period of six weeks from today and seeks regular bail, the same shall be considered on its own merit without being prejudiced in any manner by the present order.

(Harish Kumar, J)

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