

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77957 of 2023

Arising Out of PS. Case No.-265 Year-2022 Thana- SARAIYA District- Muzaffarpur

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Anil Das @ Anil Kumar Das S/O Jageshwar Das @ Jageshwar Prasad
Resident Of Village - Gangauliya Bahilwara, P.S. - Saraiya, District -
Muzaffarpur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Sanjay Kumar @ S.K.
For the State	:	Mr.Dr. Indihar Kumari
For the Informant/s	:	Mr. Hemant Kumar

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 16-01-2024 Heard learned counsel for the petitioner, learned
counsel for the informant and learned APP for the State.

2. The petitioner has prayed for bail in connection
with Saraiya P.S. Case No. 265 of 2022 instituted for the offence
under Sections 447, 341, 323, 307, 354, 504, 302 34 of the
Indian Penal Code.

3. As per allegation in the FIR, it is alleged that at
night of 21.4.2022, the accused persons including the petitioner
entered into the house of the informant and attempted to kidnap
his daughter, on *hulla*, the informant and other reached there.
Thereafter, co-accused Dilip Das inflicted *danda* blow, causing
injury on the head of the son of the informant Dhiraj Kumar and
this petitioner pierced screw-driver near his eye as a result of



which informant's son sustained injury and died during course of treatment.

4. Learned counsel for the petitioner submits that the petitioner is innocent and committed no offence. He has falsely been implicated in this case. The FIR was lodged after eleven days of the alleged occurrence. The petitioner has got no criminal antecedent as stated in para-3 of the bail petition and he is languishing in judicial custody since 28.7.2023.

5. Learned APP appearing for the state and learned counsel for the informant have vehemently opposed the prayer of regular bail and submitted that the petitioner is named in the FIR who has specifically been alleged to pierce screw-driver near eye of informant's son Dhiraj Kumar due to which he sustained injury and died during course of treatment. While Dhiraj Kumar was in injured condition, his statement was also recorded vide para 20 of the case diary in which he made direct allegation against the petitioner to pierce screw-driver near his eyes. Other witnesses of this case have also supported the prosecution case.

6. Having heard the learned counsel for the parties and considering the nature of allegation, this court is not inclined to enlarge the petitioner on bail and, as such, his prayer



for bail stands rejected.

7. The trial Court is directed to expedite the trial and
conclude the same as soon as possible.

(Sunil Kumar Panwar, J)

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