

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1429 of 2024

Arising Out of PS. Case No.-183 Year-2021 Thana- SAHEBPUR KAMAL District-
Begusarai

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1. PARMILA DEVI @ PRAMILA WIFE OF ANIL PODDAR @ ANIL KUMAR RESIDENT OF VILLAGE - HIRATOL, P.S. - SAHEBPUR KAMAL, DISTRICT - BEGUSARAI
 2. GOPAL KUMAR @ GOPAL SON OF ANIL PODDAR @ ANIL KUMAR RESIDENT OF VILLAGE - HIRATOL, P.S. - SAHEBPUR KAMAL, DISTRICT - BEGUSARAI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Manoj Kumar Singh, Advocate Mr. Prabhat Kumar, Advocate Mr. Sanoj Kumar, Advocate
For the Opposite Party/s	:	Mr. Binod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

6 03-04-2024 1. Heard learned counsel for the petitioners and
learned APP for the State.

2. The petitioners have renewed the prayer for grant of anticipatory bail apprehending their arrest in connection with Sahebpur Kamal P.S Case no. 183 of 2021 registered under sections 307, 341, 323, 504, 506 and 34 of the Indian Penal Code to which section 302 of the Indian Penal Code was added subsequently.

3. As per the prosecution case, four named accused persons including the two petitioners herein are said to have come variously armed and to have assaulted the informant and



others leading to the informant's death in course of treatment.

4. Learned counsel for the petitioners submits that the earlier application for anticipatory bail of the petitioners was rejected vide order dated 3.8.2023 passed in Cr. Misc. no.39245 of 2023. It is submitted that the parties are agnates and the alleged occurrence took place over a trivial dispute relating to blocking of the way to the house of one of the parties. The manner of occurrence is not what has been narrated in the FIR but it was the informant's wife who fell down on a handpump resulting in minor injuries. It was in course of treatment that two months later she died as a result of Septicemic shock. Learned counsel further submits that in paragraph no.20 of the case diary the deceased informant has categorically stated before the police that the assault was made by Gopal Kumar.

5. The application for anticipatory bail is opposed by learned APP for the State who submits that this is the second application for anticipatory bail by the petitioners, the first already having been rejected on merits vide order dated 3.8.2023. The petitioners are not only named in the FIR but there is direct allegation against them of having actively participated in the occurrence.

6. Heard learned counsel for the parties. The



allegations in the FIR is that on the orders given by one Naresh Poddar, Sunil Kumar assaulted the informant with an iron rod on the head followed by the two petitioners herein who came armed with *khanti* and *lathi* and assaulted the informant's wife who had intervened to save the informant resulting in serious injuries and leading to her becoming unconscious. The said allegations in the FIR are supported from the contents of the postmortem report wherein the cause of death is said to be Neurogenic and Septicemic shock as a result of the above mentioned injuries caused by heavy, hard and blunt substance. Taking into consideration the direct allegation of assault against the petitioners, the same finding support in the Postmortem Report and the prayer for anticipatory bail of the petitioners already having been rejected on merits earlier, the Court is not inclined to enlarge the petitioners on anticipatory bail and the application is rejected.

7. The petitioners are directed to surrender in the learned Court below within a period of four weeks.

(Partha Sarthy, J)

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