

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2379 of 2024

Arising Out of PS. Case No.-76 Year-2023 Thana- MORKAHI District- Khagaria

Nitish Kumar S/O Sri Sitaram Singh Village Gharai Panchayt Rasauk P.S.
Morkahi District Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. S.D. Sanjay, Sr. Adv. Mr. Mohit Agarwal, Adv.
For the State	:	Mr. Dilip Kumar No. 1, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 26-04-2024 Heard Mr. S.D. Sanjay, learned senior counsel for the

petitioner and Mr. Dilip Kumar No. 1, learned Additional Public

Prosecutor for the State.

2. The petitioner seeks bail in a case registered for the
offence punishable under Sections 302, 34, 120B of the Indian
Penal Code.

3. Petitioner along with other accused persons are said
to have assaulted the son of the informant as a result of which
son of the informant died.

4. Learned senior counsel for the petitioner
submits that the petitioner is innocent and has been falsely
implicated in this case. He submits that the informant is aunty of
the petitioner and due to animosity between father of the
petitioner and husband of the informant, he has been made



accused in this case. He submits that there is general and omnibus allegation levelled against the petitioner. He submits that there is some family dispute between the parties. He submits that there is no eye witness to the alleged incident. He further submits that petitioner has criminal antecedent as stated in para-3 of the bail application and he is languishing in judicial custody since 25.07.2023.

5. Learned APP for the State opposes the prayer for bail.

6. Considering the facts and circumstances of the case and the fact that the petitioner is the main assailant, I am not inclined to enlarge the petitioner on bail. Accordingly, his prayer for anticipatory bail is rejected in connection with Morkahi P.S. Case No. 76 of 2023.

(Anjani Kumar Sharan, J)

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