

Arising Out of PS. Case No.-284 Year-2024 Thana- MOHIUDDIN NAGAR District-
Samastipur

- Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

For the Petitioner/s : Mr. N.K. Agrawal, Sr. Adv.
Mr. Pramod Kumar Singh, Adv.
For the Opposite Party/s : Mr. Ajay Kumar No. 2
For the Informant : Mr. Vishal Vikram Rana. Adv.

4 15-05-2025 Heard Mr. N.K. Agrawal, learned Senior Advocate
duly assisted by Mr. Pramod Kumar Singh, learned Advocate
for the petitioners and learned APP for the State. The informant
is represented through Mr. Vishal Vikram Rana, learned
Advocate.

2. The petitioners apprehend their arrest in connection with Mohiuddinnagar P.S. Case No.284 of 2024 registered for the offences punishable under Sections 191(2), 191(3), 190, 126(2), 127(2), 128(2), 115(2), 118(1), 118(2), 109, 103(1), 61(2), 352, 351(2), 351(3) of the BNS, 2023 and Section 27 of the Arms Act.



3. Pursuant to the direction of this Court dated 12.05.2025, a supplementary affidavit has been filed on behalf of the petitioners and the same is taken on record.

4. Referring to the supplementary affidavit, learned Senior Advocate for the petitioners submitted that so far the petitioner no.1 is concerned, though he had been facing three criminal cases; however, presently in all the three cases, the final form(s) has been submitted and, as such, in para-3 of the bail application, it has been stated that the petitioner no.1 has absolutely clean antecedent whereas the petitioner no.2, as has been informed, is facing ten criminal antecedent, out of which, three has been mentioned in para-3. Moreover, in six of the cases, final form(s) have been submitted and due to inadvertence, with respect to one criminal case relating to Bihar Prohibition and Excise (Amendment) Act, could not be mentioned. Apology has been sought for.

5. Learned Senior Advocate for the petitioners further made his submission on the merit(s) of the case and contended that from the narrations made in the FIR, it would be evident that the informant is not an eyewitness to the alleged occurrence and the entire allegation has been levelled based upon the disclosure made by the deceased son of the informant. However, it has not been examined by the doctor, whether the deceased, who has been inflicted with various injuries was in a position to



disclose anything. Further submission has been made that there is a counter version of the present case, being Mohiuddinnagar P.S. Case No.192 of 2023, wherein cousin of the petitioner no.2 has sustained bullet injury leading to his death. The prosecution and the informant failed to explain the injuries sustained to the petitioners' side. Taking this Court through the FIR of Mohiuddinnagar P.S. Case No.285 of 2023, it is further contended that reason for death of the deceased has been assigned that on the fateful day while a free fight was taken place, in the meantime, in course of fleeing from the place of occurrence, the deceased dashed with an electric pole due to which he sustained injuries, which proved fatal.

6. On the other hand, learned Advocate for the State and the learned Advocate for the informant vehemently opposed the bail application and submitted that the deceased who sustained various injuries have disclosed this fact that the petitioners along with other co-accused persons have inflicted the injuries and, later on, in course of treatment, he died and, as such, his statement cannot be said to be a false statement. It is further contended that irrespective of the fact that final form(s) have been submitted in various cases, but it has not been disclosed as to whether, it has been accepted by the jurisdictional Court. In case, if the final form(s) has not been accepted, the petitioners in all fairness, should disclose that they



are carrying antecedent in all these cases. It is lastly contended that the postmortem report clearly suggests that the deceased had sustained various injuries at the hands of the petitioners and other co-accused persons and thus the petitioners do not deserve the privilege of anticipatory bail.

7. Having considered the submissions advanced by the learned Advocate for the respective parties and after going through the postmortem report, this Court finds that the deceased had sustained multiple injuries, more than ten in numbers over his body and, as such, the submission of the petitioners that the deceased died on account of dashing with an electric pole, does not inspire confidence, coupled with the materials collected during the course of investigation and the disclosure made by victim (dead) as also the manner in which para-3 of the bail application has been described, this Court is not acceded to the prayer of the petitioners for grant of anticipatory bail. Accordingly, their prayer is rejected.

(Harish Kumar, J)

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