

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46311 of 2025

Arising Out of PS. Case No.-323 Year-2023 Thana- SITAMARHI District- Sitamarhi

=====

Awanish Chaubey @ Ashwani Chaubey Son of Rajpati Chaubey village-
Sarai Sadkar, Ps- Sadiya Bad, Dist- Gazipur Up

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mrs. Smiti Bharti, Advocate

For the Opposite Party/s : Mr. Shyam Kumar Singh, APP

=====

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 17-11-2025 Heard learned counsel for the petitioner and the

State.

2. Petitioner apprehends arrest in a case registered

for the offence punishable under Sections 302 and 34 of the

Indian Penal Code.

3. The prosecution case, in short, is that the FIR

named accused persons, including the petitioner and three-four
unidentified persons had taken away Raja Kumar (deceased),
who is friend of the son of the informant, from the house of
informant to the house of one of the co-accused, namely,
Nishant Singh @ Nischit Singh. It is further alleged that they
brutally assaulted the deceased at the door of the said Nishant
Singh causing serious injuries to him. Thereafter, the informant



along with her son Mintu went to the house of co-accused, Nishant Singh and found Raja Kumar lying unconscious. Thereafter, the informant took her her son to the hospital, where the doctor declared him as dead.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that the inquest report shows it was conducted at 11:30 AM on 19.04.2023, which indicates that the Police had received information about the alleged occurrence prior to that time, therefore, such information ought to have been treated as the First Information Report (FIR) of the case. Sister of the deceased has sworn an affidavit before the learned Court below that the petitioner has no role in killing the deceased. Lastly, it is stated that this FIR is ante-dated and is not a correct version of the occurrence.

5. Learned counsel for the State opposes the prayer for bail. He submits that application for grant of anticipatory bail of similarly situated other co-accused person, namely, Harendra Sah @ Harendra Kumar has already been rejected by a co-ordinate Bench of this Hon'ble Court vide order dated 05.03.2024 passed in Cr. Misc. No. 80805 of 2023. Hence, he does not deserve the privilege of anticipatory bail.



6. Considering the accusation that this petitioner along with other accused persons assaulted the deceased, prayer for pre-arrest bail of the petitioner is rejected.

(Prabhat Kumar Singh, J)

AjayMishra/-

U		T	
---	--	---	--

