

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54550 of 2024

Arising Out of PS. Case No.-136 Year-2024 Thana- ARARIA District- Araria

Nischay Singh son of Manoj Kumar Village- Khairuganj W.No-31, Janta
Chauk Ps- Sadar Dist- Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. N.K.Agrawal, Sr.Adv.

Mr. Bidhu Ranjan, Adv.

For the Opposite Party/s : Mr. Umeshanand Pandit, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 20-01-2025 Heard Mr. N.K.Agrwal, learned senior counsel
assisted by Mr. Bidhu Ranjan, learned counsel for the petitioner
and Mr. Umeshanand Pandit, learned A.P.P for the State.

2. The petitioner apprehends his arrest in a case
registered for offence under Section 302/34 of the Indian Penal
Code.

3. Learned counsel for the petitioner submits that
petitioner is innocent and has committed no offence. Informant
is not eye-witness to the occurrence and only on suspicion
petitioner has been made accused. He next submits that the date
of occurrence is 15.02.2024 (night), whereas F.I.R. has been
lodged on 23.02.2024 and there is no explanation of delay. As a
matter of fact, the informant herself brought the dead-body of
her son from the hospital after getting permission from the
hospital administration and as such, post-mortem could not be



conducted and cause of death could not be ascertained. informant's son (deceased) was a drug-addict, for which, he was admitted in rehabilitation centre. At the time of admission in the rehabilitation centre, the informant has filled up the consent form and signed on the consent form where it was clearly mentioned son of informant was a high risk patient and the centre has no emergency medical facility and for any untoward incident, the centre cannot be held responsible and on agreement of said terms, the informant got admitted her son.

4. However, learned A.P.P. for the State vehemently opposes the prayer for anticipatory bail and submits that there is specific allegation against petitioner that he was incharge of the rehabilitation centre and during course of the investigation, one of the inmates has categorically stated that this petitioner alongwith others brutally assaulted son of informant and thereafter, took him away to some other place on a 4-wheeler.

5. Considering the nature of accusation, the prayer for anticipatory bail of petitioner is rejected.

(Prabhat Kumar Singh, J)

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