

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56620 of 2024

Arising Out of PS. Case No.-980 Year-2023 Thana- AGAMKUAN District- Patna

=====

Gaurav Kumar S/o Ramashish Mahto R/o Chhoti Pahari, P.S. - Agamkuan,
Distt. - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Raj Krishna Jha, Adv.

For the Opposite Party/s : Mr. Anil Kr. Singh, No. 1, APP

=====

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

5 07-02-2025 Heard learned counsel for the petitioner and

Mr. Anil Kr. Singh No. 1 learned APP for the State.

2. The petitioner is named in the F.I.R. and apprehending his arrest in connection with Agamkuan P.S. Case No. 980 of 2023 registered for the offences punishable under Sections 302, 120(B) of the Indian Penal Code.

3. The allegation against petitioner is to commit murder of the son of the informant along with other named co-accused persons by inflicting knife injury and also by using the brick plates, where alleged occurrence took place during picnic.



4. It is submitted by learned counsel appearing on behalf of the petitioner that the allegation of physical assault is very much general and omnibus against this petitioner, who is a man of clean antecedent. It is submitted that the informant is not an eye witness of the occurrence and entire allegation is on the basis of suspicion. It is pointed out that the cause of death was knife injury which was not alleged to be inflicted by this petitioner.

5. Learned APP, while opposing the prayer of anticipatory bail submitted that during the course of investigation the eye witnesses supported the occurrence. In support of his submissions learned APP referred the statement of eye witnesses namely, Mithun Kumar and Sarvjit Kumar as recorded under Section 161 of the Cr.P.C. which is available under para nos. 11 and 12 of the case diary, wherein these witnesses categorically stated that the petitioners assaulted with brick plates on the face of the deceased causing heavy bleeding. It is



further pointed out that the allegation appears corroborating in terms of the Autopsy report as available under para no. 45 of the case diary, where the cause of death appears head injury, hemorrhage and shock.

6. In view of aforesaid facts and submission and by taking note of submission as advanced by learned APP that the petitioners actively participated during the occurrence and appears *prima-facie* assaulted deceased by using brick plates on his head and face which further appears *prima-facie* corroborating with injury/autopsy report, as cause of death, accordingly, the prayer of anticipatory bail of the above-named petitioner stands **rejected.**

(Chandra Shekhar Jha, J)

Sudha/-

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

