

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67805 of 2024

Arising Out of PS. Case No.-337 Year-2023 Thana- BEGUSARAI MUFFASIL District-
Begusarai

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Bipin Kunwar @ Kailu Kunwar S/o- Late Lal Kunwar Village- Basudeopur,
Ward No. 11, P.S. Muffasil, Dist. Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. N.K. Agarwal, Sr. Advocate

Mr. Raj Kumar Sinha, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 04-02-2025 Heard Mr. N.K. Agarwal, learned Senior counsel for the

petitioner and the State.

2. The petitioner is in custody in connection with
Begusarai Muffasil P.S. Case No. 337 of 2023 for the offence
punishable under sections 341, 323, 325, 307, 504, 427, 379, 302
and 34 of the Indian Penal Code lodged on 10.06.2023 by the
informant, Nitish Kumar.

3. As per the prosecution story, the allegation is that first
the accused persons consumed liquor and thereafter on protest,
assaulted as also damaged the motorcycle. The fact remains that the
assault resulted into death of one of the person on the informant's
side. Accordingly, the FIR.

4. Learned Senior counsel for the petitioner submits that
though main allegation has been made against Roushan Kuvar and
Shivam Kumar Ray with specific assault theory, so far as this
petitioner is concerned, the allegation is that he also brutally
assaulted. The postmortem report shows that most of the injuries



are on arm and legs and in that background, he being in custody since December, 2023, deserves bail.

5. Learned APP, Mr. Jitendra Kumar Singh on the other hand opposes the prayer submitting that the informant who has alleged brutal assault by this petitioner, succumbed to the injuries and though the injuries may be on the legs/arm, multiple injuries have been recorded which clearly supports the prosecution story. The last submission is that the co-accused namely, Raushan Kumar @ Raushan Kunwar @ Amit Kumar Anshu in Cr. Misc. No. 31233 of 2024 has been denied bail by this Court.

6. Having heard the parties, perusing the FIR/the case diary and the submissions put forwarded by the learned APP that the innocent informant who gave three names, last being the petitioner, has alleged brutal assault by him. Unfortunately, subsequently, he succumbed to the injuries, and co-accused, Raushan Kumar @ Raushan Kunwar @ Amit Kumar Anshu in Cr. Misc. No. 31233 of 2024 has been denied bail, no case of bail is made out.

7. Accordingly, the present bail application stands rejected.

(Rajiv Roy, J)

Adnan/-

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