

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71411 of 2024

Arising Out of PS. Case No.-11 Year-2024 Thana- Chiraiya District- Saharsa

Jyoti Kumar @ Jyotik Kumar, Son of Sri Lalo Sharma, Resident of Village-
Raithi, P.S.- Chiraiya, District- Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur, Advocate Ms. Vaishnavi Singh, Advocate
For the State	:	Mr. Satyendra Narayan Singh, APP
For the Informant	:	Mr. Arvind Kumar, Advocate Mr. Rajesh Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

4 14-02-2025 Heard Mr. Ajay Kumar Thakur, learned Advocate for
the petitioner and Mr. Satyendra Narayan Singh, learned APP
for the State. The informant is represented through Mr. Arvind
Kumar, learned Advocate.

2. The petitioner is apprehending his arrest in
connection with Chiraiya P.S. Case No. 11 of 2024 registered
for the offences punishable under Sections 447, 323, 324, 379,
307, 504, 506/34 of the Indian Penal Code. Later on, Section
302 of the Indian Penal Code was added.

3. Based upon the written report, the prosecution
alleges that on 28.03.2024, at about 6.30 P.M., all the F.I.R.
named accused persons variously armed came at the door of the



informant and started hurling abuse. On protest being made, it is alleged that co-accused Dhrub Kumar and petitioner assaulted the son of the informant by means of iron rod over his head, due to which he sustained severe injury. It is further alleged that when the informant and her husband went to save their son, both of them were also assaulted by other accused persons. There is further allegation of snatching of valuables.

4. Mr. Thakur, learned Advocate for the petitioner contended that allegedly the occurrence took place on 28.03.2024, but the present F.I.R. has been instituted after a delay of three days, i.e. on 31.03.2024. During the course of investigation, the statement of the informant and other witnesses were also recorded by the investigating officer, but all of them have stated that it is Dhrub Kumar, who assaulted the deceased. This fact has also been corroborated by the post-mortem report, the copy of which is marked as Annexure-3 to the bail application. Referring thereto, he further submits that only one injury has been found over the head of the deceased and there is even no abrasion over the body of the deceased and, as such, the allegation of the informant that he was also brutally assaulted by other accused persons does not find corroboration. There is counter version of the present case, being Chiraiya P.S. Case



No. 10 of 2024, which is on earlier point of time, instituted by the mother of the petitioner. The petitioner bears fair antecedent and is of tender age is the contention of the learned Advocate for the petitioner.

5. On the other hand, learned APP for the State and the informant oppose the bail application and submit that the F.I.R. clearly discloses that it is the petitioner along with co-accused Dhrub Kuamr, who assaulted the deceased over the head, due to which he succumbed to the injuries. The informant has also filed protest petition, as the investigating officer in collusion with the petitioner and his family members have not been investigating the case in proper way. Referring to various annexures, which have been placed on record by filing counter affidavit, it is contended that in the protest petition the informant and all the witnesses have supported the allegation levelled in the F.I.R. that it is Dhrub Kumar and the petitioner, who assaulted the deceased.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that there is specific allegation against the petitioner along with Dhrub Kumar of assaulting the deceased, leading to his death, this Court is not acceded to the prayer of the petitioner for grant of anticipatory



bail. Accordingly, the prayer for grant of anticipatory bail stands rejected.

7. However, if the petitioner surrenders before the court below within a period of one month and prays for regular bail, the court below shall consider the same without being prejudiced by the order of this Court.

(Harish Kumar, J)

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