

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76873 of 2024

Arising Out of PS. Case No.-108 Year-2024 Thana- LALGANJ District- Vaishali

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1. Saurav Kumar @ Bahu, S/o Sanjeev Singh @ Guddu singh @ Bahu, R/o vill - Wafapur, P.S. - Lalganj, Distt.- vaishali
 2. Gaurav Kumar @ Chhotu, S/o Sanjeev Singh @ Guddu Singh @ Bahu, R/o vill - Wafapur, P.S. - Lalganj, Distt.- vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Kumar Mangalam, Adv.
For the State	:	Mr. Murli Dhar, APP
For the Informant	:	Mr. Shivnandan Bharti, Adv.

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

3 10-01-2025 Heard Mr. Kumar Mangalam, learned counsel for the petitioners, Mr. Murli Dhar, learned APP for the State and Mr. Shivnandan Bharti, learned counsel for the informant.

2. The petitioners apprehend their arrest in connection with Lalganj P.S. Case No. 108 of 2024 dated 02.05.2024 registered for the offences punishable under sections 341, 323, 307 and 302 read with section 34 of the Indian Penal Code.

3. As per prosecution story, the informant alleged that on 01.05.2024 at about 07:00 P.M., the petitioners and other named accused persons surrounded his son and assaulted him by fist, leg, and bricks and on hearing hulla, the informant reached



at the alleged place and called the police and thereafter, took his son to the hospital for treatment and after getting treatment, on the very next day i.e. 02.05.2024, his son died at his house.

4. The main submissions advanced by learned counsel appearing for the petitioners are that the petitioners are students and teen aged persons and in the FIR, there is no specific allegation against them, in fact there was not good relation in between the prosecution party and the petitioners' family and earlier one of the named accused, namely, Sanjeev Singh @ Guddu Singh was brutally assaulted by the son of the informant as well as other persons belonging to informant's side for which Lalganj P.S. Case No. 328/2023 was lodged and due to said enmity, all the witnesses, who have interest as well as relationship with the informant, have become witnesses in the present matter and there is no independent person to claim to have witnessed the alleged occurrence. It is further submitted that two co-accused persons, namely, Renu Devi and Indu Devi have been granted anticipatory bail by this Bench vide order dated 23.10.2024 passed in Cr. Misc. No. 70632/2024.

5. Learned counsel appearing for the informant has vehemently opposed the bail prayer of the petitioners and submits that the said two co-accused persons, who have been



granted the relief of bail by this Bench, are ladies which was mainly considered by this Bench while granting the relief of bail to them.

6. Learned APP appearing for the State has also opposed the bail prayer of the petitioners.

7. Considering the seriousness of the allegation which relates to murder of informant’s son and both the petitioners are named in the FIR and as per allegation, they as well as other co-accused persons badly assaulted the informant’s son by fist, leg and bricks and on the very next day after the commission of the alleged occurrence, the informant’s son died and as per his postmortem report, the cause of his death was opined as loss of blood caused due to impact of hard, heavy and blunt forces on abdomen and the case is under investigation, in my opinion, it is not a fit case to grant the relief of anticipatory bail to the petitioners. Accordingly, their prayer stands rejected.

(Shailendra Singh, J)

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