

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2496 of 2025

Arising Out of PS. Case No.-399 Year-2022 Thana- NARHATT District- Nawada

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Nawlesh Kumar S/O Arjun Mahto Resident of village- Kopin, P.S.- Sitamarhi,
District- Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Pramod Kumar Verma, Advocate

For the Opposite Party/s : Mr.Anuj Kumar Shrivastava, APP

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 12-02-2025 1. Heard learned Counsel for the petitioner and
learned APP for the State.
2. This application, for grant of anticipatory bail,
arises out of Narhat PS case no. 399 of 2022, disclosing
offences punishable under Section 302 and other allied sections
of the Indian Penal Code.
3. The prosecution story, as per the First Information
Report, is that on 25.09.2022 in the night at about 10 pm,
petitioner along with other accused persons entered into the
informant's house and petitioner gave iron rod blow to one
Santosh Sharma on his head with intention to kill him, due to
which, he sustained head injury. However, on the same day, at
about 11 pm, hot exchange of words took place between the
informant and accused persons and when aunt of the informant



namely Bachia Devi (deceased) intervened, the petitioner along with other accused persons thrashed/ pushed her, due to which, she fell down on the ground and became unconscious. Subsequently, she succumbed to death at the hospital.

4. Learned Counsel for the petitioner submits that there is no allegation of assault against the petitioner upon the deceased, due to which she fell down on the ground and died while taking her to hospital. Learned counsel further submits that the petitioner was given benefit of Section 41-A Cr.P.C. The Police submitted charge-sheet under Sections 323, 341, 504 of the Indian Penal Code, however on the basis of materials on record, the Court has taken cognizance under Section 304 of the Indian Penal Code.

5. I have heard learned counsel for the parties and perused the impugned order. It appears that the allegation against the petitioner is that he along with other accused persons thrashed the aunt of the informant, due to which, she fell down and died. As per postmortem report, the cause of death is haemorrhagic shock due to internal bleeding by hard and blunt substance and doctor has found blood clot below the skin on left side of chest. Three consecutive ribs were also found fractured.



6. Considering the specific allegation against the petitioner, the medical report and the severity of punishment, I am not inclined to grant the privilege of anticipatory bail to the petitioner.

7. The prayer for anticipatory bail is, accordingly, rejected.

(Anil Kumar Sinha, J)

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