

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52388 of 2024

Arising Out of PS. Case No.-281 Year-2023 Thana- PIPRAKOTHI District- East Champaran

Sunny Kumar @ Sanny Kumar Son Of Pramod Rai Resident Of Village -
Mathiya Bariyarpur, P.S. - Piprakothi, District - East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Adv.
For the Opposite Party/s : Mr. Navin Kr. Pandey, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

10 03-02-2026 Heard the parties.

2. The petitioner is named in the F.I.R. and apprehending his arrest in connection with Piprakothi P.S. Case No. 281 of 2023 registered for the offences punishable under Sections 302, 34 of IPC.

3. As per FIR, the son of the informant accompanied petitioner and other co-accused person on 13.12.2023 and somewhere between 11-12 P.M. a call was made to informant by injured/ deceased that he was badly assaulted and thrown, whereafter informant came to the place of occurrence, in meantime police also arrived there, whereafter the son of the informant was



taken to Muzaffarpur hospital but on the way he succumbed to the injury, which he received during the occurrence.

4. It is submitted by learned counsel appearing on behalf of the petitioner that the occurrence is primarily an accident where out of certain altercations with the conductor of the bus the petitioner received injury from the rear wheel of the bus, but was given a color of murder case implicating innocent petitioner in the background of admitted land dispute as it can be gathered from the face of FIR itself. It is submitted that one of the co-passenger of the bus while recording his statement under section 164 of the Cr.P.C. said that the occurrence was nothing but an accident. It is submitted that in view of aforesaid the petitioner deserves anticipatory bail. It is submitted that petitioner claimed clean antecedent.

5. Arguing further, it is submitted that cause of death of petitioner is shock and hemorrhage caused by heavy hard and blunt substance which also *prima-facie* suggest that the occurrence was accidental in nature and



considering all such aspect police after investigation submitted charge sheet under section 304 of IPC *qua* apprehended co-accused persons.

6. Learned APP duly assisted by learned counsel for the informant while opposing the prayer of bail drawn attention of this Court towards para no. 190 of the case diary where during supervision it surfaced that the video statement of deceased was recorded by informant on mobile while he was in ambulance, and on way of Muzaffarpur hospital where she asked injured/ deceased specifically that who assaulted him, whereafter deceased categorically replied that this petitioner alongwith co-accused Dhiraj Kumar assaulted him badly and soon after said recording he died.

7. Taking contrary to the aforesaid submission, learned counsel for the petitioner submitted that the aforesaid video was never collected during the course of investigation or if collected was not sent for forensic examination.



8. Let it be so, taking note of aforesaid para of the case diary which primarily suggest that deceased through recorded video categorically named this petitioner and other co-accused to assault him soon before his death, accordingly, prayer for anticipatory bail of above-named petitioner stands **rejected**.

(Chandra Shekhar Jha, J)

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