

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41660 of 2015

Arising Out of PS.Case No. -108 Year- 2014 Thana -MAGADH MEDICAL COLLEGE District-
GAYA

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1. Sanjay Kumar, S/o Bhola Yadav R/o Mohalla- Khatkachak, P.S.- Civil
Line, District- Gaya.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dhirendra Kumar Sinha

For the Opposite Party/s : Mr. Dilip Kumar (App)

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER

2 12-10-2015

Heard learned counsel for the petitioner.

The petitioner Sanjay Kumar apprehends his
arrest in M.M.C.H. P.S. Case No. 108 of 2014 registered under
section 302/34 of the Indian Penal Code.

According to the prosecution case the first
information report was lodged by the informant alleging that the
accused persons assaulted the informant at Boring as there was
some scuffle in relation to grazing of she buffalo. Thereafter the
informant fled away to another place and then saw that they took
his son and then assaulted him. In the morning he found his son
dead.

Learned counsel for the petitioner submitted that

the petitioner is not named in the first information report and it is stated only that son of Bhola yadav were wearing earring had participated in the assaulted. The learned counsel further submitted that in fact the petitioner is employed at Rajsthan and on the date of occurrence he was not at the spot. Further the identification itself is doubtful as Bhola Yadav has four sons and all of them wear earring .

On the other hand the learned counsel for the State objected the prayer and submitted that the court below has found the ample complicity of the petitioner in the commission of the offence. From perusal of the order of the court below who has referred various paragraphs of the case diary and found that the petitioner was identified by the informant.

In my view it is not a fit case for grant of anticipatory bail. Accordingly the prayer for anticipatory bail of the petitioner is hereby rejected.

(Mungeshwar Sahoo, J)

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