

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.7945 of 2015

Arising Out of PS.Case No. -238 Year- 2014 Thana -MUFFASIL District-
WESTCHAMPARAN(BETTIAH)

=====

1. Krishna Kumar @ Dhamu Sah Son of Deo Shankar Sah Resident of
Village- Mahoa Ganni, Police Station- Bettiah Muffasil, District- West
Champaran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar No.-7

For the Opposite Party/s : Mr. Jagdhar Prasad (App)

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

3 15-05-2015 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner apprehends his arrest in connection with
Bettiah (Muffasil) P.S. Case No. 238 of 2014 registered under
Sections-147, 148, 149, 341, 323, 302/504 of the Indian Penal
Code.

The contention on behalf of the petitioner is that the
deceased had illicit relation with wife of co-accused Subhash Sah
and as a matter of fact, he was caught red handed by the villagers
and thereafter, he was brutally assaulted as a result thereof, he
died.

It is further contended on behalf of the petitioner that the

informant is not an eye witness and that is the reason, he did not take any step to save the life of the deceased, particularly, in the circumstance, when he claimed to have seen the actual assault of the deceased.

In course of investigation, not only the informant but some other witnesses also claimed themselves to be eye witnesses of the alleged occurrence and the petitioner is named in the first information report with specific allegation that he, too, participated in assaulting the deceased.

Regard being had to the facts and circumstances of the case as well as submission of the parties, I am not inclined to extend the privilege of anticipatory bail to the petitioner and accordingly, his prayer for anticipatory bail in connection with Bettiah (Muffasil) P.S. Case No. 238 of 2014 pending in the court of Learned Chief Judicial Magistrate, Bettiah, West Champaran stands rejected.

(Hemant Kumar Srivastava, J)

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