

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.35609 of 2014

Arising Out of PS.Case No. -165 Year- 2013 Thana -SHEKHPURA District- SEKHPURA

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1. Bablu Singh Son of Sri Ram Nandan Singh Resident of village-
Bhadhaus, P.S.- Sirari (Sheikhpura), District- Sheikhpura

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Aaruni Singh, Advocate

For the Opposite Party/s : Mr. Lallan Kumar(APP)

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CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI

ORAL ORDER

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09-04-2015

Heard learned counsel for the petitioner as well as

learned APP for the State.

During course of brawl, petitioner is said to have pressed the neck of deceased Girija Devi, ultimately leading to her death.

It has been submitted on behalf of petitioner that allegation whatever attributed to the petitioner happens to be an intentional one in the background of land dispute persisting amongst the parties. It has further been submitted that the allegation so attributed is found completely negatived during course of investigation and for that referred Annexure-2, inquest report wherefrom it could be traced out regarding absence of any kind of injury over the dead body. In likewise manner, it has also been submitted that no external injury has been found over the dead body during course of postmortem examination (Annexure-3) and that happens to be reason behind that viscera was sent to

FSL and the report of FSL (Annexure-4) speaks absence of foreign body including any kind of poisonous substance having been administered to the deceased and therefore, opined the cause of death to be cardio respiratory arrest. So submitted that allegation against the petitioner to have pressed the neck of the deceased is found not at all corroborated by the medical evidence and further, presence of animosity, since long, justify the prayer of the petitioner to release him on an anticipatory bail.

On the other hand, learned APP opposed the prayer for bail and submitted that there happens to be specific assertion against the petitioner to have pressed the neck of the deceased.

It is not disclosed that pressure was to such extent which could have caused injury over neck of the deceased. Pressing of neck may cause suffocation leading to death and that could be under the category of cardio respiratory arrest. So, Annexure-4 supports the prosecution case and not the defence case.

In the above facts and circumstances of the case, I do not see it a fit case for grant of anticipatory bail. Prayer for anticipatory bail is rejected.

(Aditya Kumar Trivedi, J)

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