

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39829 of 2015

Arising Out of PS.Case No. -161 Year- 2015 Thana -SAKRA District- MUZAFFARPUR

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1. Rajesh Kumar S/O Rameshwar Mahto, R/O Village- Sujawalpur, P.S- Sakra, District- Muzaffarpur

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rina Sinha

For the Opposite Party/s : Mr. Nityanand Tiwary(App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

3 30-11-2015

Heard both sides.

The petitioner apprehends arrest in a case registered for the offences punishable under sections 302, 307 and other allied sections of the Indian Penal Code.

The informant alleged that a verbal altercation took place between his father Kameshwar Mahto and Rajesh Kumar and on such Rajesh Kumar assaulted his father with stick. Father of the informant died during the course of treatment.

Learned counsel for the petitioner submits that independent witnesses in paragraphs 30, 43 and 44 of the case diary have said that altercation took place in between father and son of the informant but the petitioner has been falsely implicated in this case.

It appears from perusal of the case diary that the informant and others have very categorically stated that the petitioner assaulted the deceased, 85 years old man, with stick. Corresponding injuries were also found on the person of the deceased.

Having considered the facts aforesaid, I am not inclined to grant privilege of anticipatory bail to the petitioner in connection with Sakra P.S. Case No. 161 of 2015 pending in the court of the learned Chief Judicial Magistrate, Muzaffarpur. This application is, accordingly, rejected.

(Prabhat Kumar Jha, J)

Amin/-

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