

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37150 of 2015

Arising Out of PS.Case No. -48 Year- 2015 Thana -GAURICHAK District- PATNA

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Pappu Prasad Son of Bilat Prasad Resident of Village- Beldarichak, Police
Station- Gaurichak, District- Patna.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Umesh Prasad, Advocate.

For the Opposite Party : Smt. Suman Kumari Singh(App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 09-11-2015 Heard both sides.

The petitioner apprehends his arrest in a case registered for the offences punishable under Section 302 and 34 of the Indian Penal Code.

The informant named the petitioner along with other accused persons and alleged that they all assaulted his father with iron rod and stick his father got injuries and died during the course of treatment.

Learned counsel for the petitioner submits that the medical report does not support the prosecution case. There is no specific allegation of assault against the petitioner. There are six accused persons, but only three injuries were found on the body of the deceased. There is a land dispute and for that a title suit is pending between the parties. It is submitted that similarly situated accused Girja Devi and

Rap Chand Prasad have already been enlarged on anticipatory bail vide orders passed in Cr. Misc. No. 28480 of 2015.

Learned counsel for the informant as well as the learned APP vehemently opposed the prayer for anticipatory bail of the petitioner and submitted that the petitioner and others assaulted the father of the informant and after having received injuries father of the informant died. One cut injury and two abrasions were found. The inquest report shows that on account of assault the deceased died.

Having considered the facts aforesaid and the fact that there is allegation against the petitioner and others that they assaulted the deceased who consequently died, I am not inclined to enlarge the petitioner above named on anticipatory bail. Accordingly, the same is rejected.

However, the petitioner, if so advised, may surrender before the court below within four weeks from the date of receipt/production of a copy of this order and pray for regular bail, his prayer shall be considered on its own merit without being prejudiced by this order.

(Prabhat Kumar Jha, J.)

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