

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.16690 of 2016

Arising Out of PS.Case No. -461 Year- 2015 Thana -GOPALGANJ CITY District- GOPALGANJ

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Anand Singh

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ghulam Rabbani

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

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 19-04-2016

Heard learned counsels for the petitioner and the State.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 307,323,341 and 379/34 of the Indian Penal Code. Subsequently, section 302 IPC was added.

The prosecution case is that on 13.11.2015 at 7.30 P.M. co accused Harendra Singh started abusing the brother in law of the informant namely Upendra Singh due to previous dispute between the children of both sides. When the husband of the informant made protest then the petitioner inflicted farsa blow on the head of the husband of the informant causing cut injury. When the informant went to pacify then co accused Harendra Singh threw her on the ground, thereafter co accused Kundan Singh, Ragini Kumari and Vibha Devi started assaulted the informant and



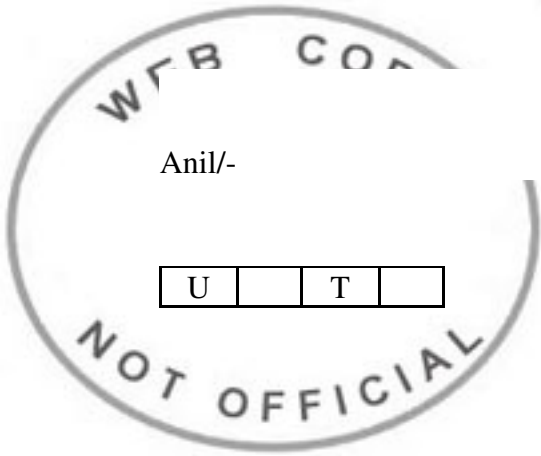
her husband causing fracture injury to the informant. The husband of the informant also received injury on hand. On alarm being raised when brother in law of the informant, Sanjay Singh and Dilip Singh came to rescue then other accused persons started pelting bricks causing injury to the brother in law of the informant and Sanjay Singh and Dilip Singh. Co accused Harendra Singh took out rupees two thousand from the pocket of the informant's husband.

It is submitted by the learned counsel for the petitioner that in the background of a dispute between the children of both sides the accusation has been levelled. There is no accusation of repeating the blow and the husband of the informant died after 12 days of the occurrence, hence the case does not come within the purview of section 302 IPC as the petitioner had no intention to kill him. Statement has been made in paragraph 3 of the petition that the petitioner has no criminal antecedent.

Let the learned court below consider the prayer for regular bail of the petitioner in case the petitioner surrenders within six weeks from today in connection with Gopalganj (Town) P.S. Case No. 461 of 2015 pending in the court of learned C.J.M. Gopalganj.

This application is disposed of with the aforesaid

observation/direction.



Anil/-

(Dinesh Kumar Singh, J)