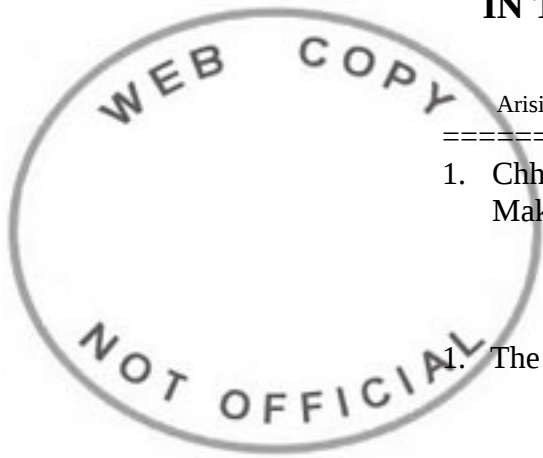




**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.23955 of 2016**

Arising Out of PS.Case No. -303 Year- 2012 Thana -GOPALPUR District- BHAGALPUR

=====

1. Chhanguri Sah Son of late Gulti Sah Resident of Village- Chhoti Makandpur, PS Gopalpur District Bhagalpur.

.... .... Petitioner/s

Versus

1. The State of Bihar

.... .... Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Ranjan Kumar Jha

For the Opposite Party/s : Mr. C.Sen Pd.Singh(App)

=====

**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH**  
**ORAL ORDER**

2      30-05-2016      Petitioner is apprehending his arrest in a case registered for the offences punishable under Sections 147, 149, 302 of the Indian Penal Code.

The prosecution case is that the informant was in her orchard with her husband, in the meantime, accused persons including the petitioner came and assaulted the husband of the informant with lathi, fists and slaps. It is specifically alleged that co-accused Subhash Mistri assaulted her husband with iron rod, thereafter when the people assembled the accused persons escaped from the scene. The informant took her husband to the clinic of Dr. R.C. Roy who referred him to Mayaganj Hospital, Bhagalpur where the husband of the informant was declared dead.

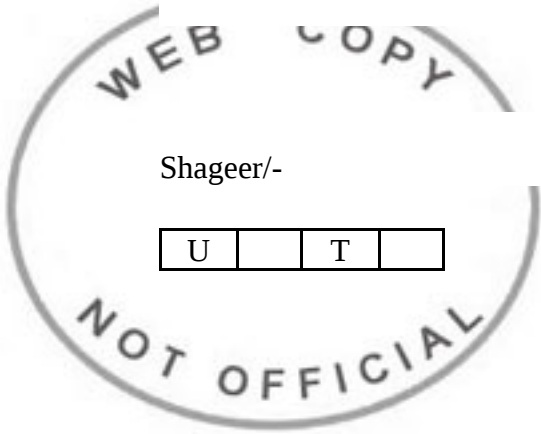


It is submitted by learned counsel for the petitioner that accusation of assault is specific against Subhash Mistri, whereas the accusation against the petitioner is omnibus and general. The postmortem report contained in Annexure-2 reflects no external injury when the viscera was preserved. Opinion with regard to the cause of death was reserved awaiting the F.S.L report. The F.S.L report suggests the cause of death as Septicemia and shock due to laceration of liver and colon, caused by hard and blunt substance. It is further submitted that in view of the accusation being omnibus and general against the petitioner and the inconsistency between the postmortem report as well as the FSL report doubt is created with regard to the accusation of assault. Moreover similarly situated co-accused have been granted anticipatory bail by a coordinate Bench of this Court vide Cr. Misc. No. 13592 of 2016.

A statement has been made in para 3 of the petition that petitioner has no criminal antecedent.

Considering the aforesaid facts, let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of 12 weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Naugachia, Bhagalpur in connection with Gopalpur

P.S. Case No. 303 of 2012, subject to the conditions as laid down under Section 438(2) of the Cr. P.C.



**(Dinesh Kumar Singh, J)**