

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.1391 of 2016

Arising Out of PS.Case No. -196 Year- 2007 Thana -SHRIKRISHNAPURI District- PATNA

Rajeev kumar, Son of Narmadeshwar Sharma. Resident of Shivpuri, P.S.-
Shastri Nagar, District- Patna (Bihar).

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rakesh Kumar

For the Opposite Party/s : Mr. Kalyan Shankar (App)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

02/ 29-06-2016

Heard learned counsels for the petitioner
and the State.

The petitioner has renewed his prayer for
anticipatory bail in a case registered for the offences punishable
under Sections 342, 323, 333, 307 and 353/34 of the Indian
Penal Code. Subsequently Section 302 IPC was also added.

The prosecution case is that the informant
being Sub-Inspector of Police received information about the
commission of the offence when he reached to the place of
occurrence and found that the accused persons were taking the
injured Kamlesh Mishra but when the police intervened, the mob

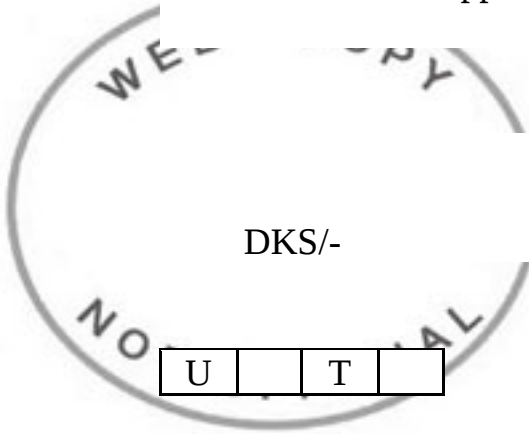
pelted stones as a result one Constable Rabindra Singh received injuries and subsequently succumbed to the injuries.

It is submitted by learned counsel for the petitioner that the accusation is against the mob. No specific overt act has been alleged against the petitioner. Though, others were granted anticipatory bail vide Cr. Misc. Nos. 11929 of 2010, 34001 of 2008 and 20702 of 2008 but now some of the accused have been acquitted vide judgment dated 30.06.2015 passed in Sessions Trial No. 1316 of 2008 by learned Additional Sessions Judge-VIII, Patna. The judgment of acquittal reflects that out of four witnesses, P.Ws. 1, 2 and 3 have been declared hostile when P.W. 4 did not see who assaulted the victim Rabindra Singh.

Since the case was registered in 2007, this Court is not inclined to revise its earlier order.

Let the learned court below consider the prayer for regular bail of the petitioner in view of the judgment of acquittal recorded in favour of other accused persons, if the petitioner surrenders before the learned court below within a period of six weeks from today in connection with Sri Krishna Puri P.S. Case No. 196 of 2007 pending in the court of learned Chief Judicial Magistrate, Patna.

With the aforesaid observation, this application is disposed of.



(Dinesh Kumar Singh, J)