

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.49670 of 2015

Arising out of PS.Case No. -120 Year- 2015 Thana -BANIAPUR District- SARAN

Bhageran Ram, Son of late Jatan Ram, residence of Village- Kanhauli Manohar Tola Chetan Chapra, Police Station- Baniyapur ,District Saran at Chapra.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner : Mr. Shambhu Prasad Yadav, Advocate.

For the Opposite Party : Mr. Ajay Kumar 1(App)

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

3 08-02-2016 Heard learned counsel for the petitioner and learned counsel for the State.

The petitioner is apprehending his arrest in connection with Baniyapur P.S. Case No. 120 of 2015 for the offences instituted under Sections 302/34 of the IPC.

The prosecution story, in brief, is that on 07.06.2015 at 8.30, the brother of the informant was surrounded by Suresh Ram, Chakradhari Ram, Vijay Ram, Shanker Ram, Raju Ram, Hira Ram and other accused and they started assaulting the brother of the informant by *Kulhari* and other deadly weapons and made him seriously injured. The brother of the informant was taken to hospital for treatment from where he was referred to PMCH, Patna, where on 09.06.15, during the course of treatment, his

brother died. The reason behind the occurrence is alleged to be previous dispute in which the deceased was a witness.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. The alleged occurrence is alleged to have taken place on 07.06.15 whereas FIR was instituted on 11. 06. 2015, delay has not been explained by the prosecution. As per the allegation, nine persons including the petitioner are said to have assaulted the deceased. From perusal of the postmortem report, it is evident that there is only one injury.

On behalf of the State it has been submitted that the petitioner is named in the F.I.R. and has actively participated in the alleged occurrence.

Considering the aforesaid facts and circumstances, I am not inclined to grant anticipatory bail to the petitioner. The same is rejected in Baniyapur P.S. Case No. 120/2015, pending in the court of the learned C.J.M., Saran at Chapra. Anyhow, if the petitioner surrenders in the court below within a period of six weeks from the date of receipt/production of copy of this order the same shall be considered on its own merit without being prejudiced by this order.

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(Sudhir Singh, J)