

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.44115 of 2016

Arising Out of PS.Case No. -274 Year- 2015 Thana -BHAGWAN BAZAR District- SARAN

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Raj Kumar @ Gabbar son of Ramayodhya Rai Resident of Village-Nayaka Tola,
Shyamchauk, P.S. Bhagwan Bazar, District Saran

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Singh, Advocate

For the Opposite Party/s : Mr. Sadanand Paswan, APP

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

Date: 18-10-2016

Heard learned counsel for the petitioner and learned
Special P.P. for the State.

The petitioner seeks pre-arrest bail in connection with
Bhagwan Bazar P.S. Case No. 274 of 2015 dated 03.10.2015
instituted under Sections 302/201/34 of the Indian Penal Code and
3(2)(v) of The Scheduled Castes and The Scheduled Tribes
(Prevention of Atrocities) Act, 1989.

The allegation against the petitioner is of assault leading
to death of the husband of the informant due to the reason that he was
doing business of cattle.

Learned counsel for the petitioner submits that he is not
named in the F.I.R. and only on the re-statement of father of the

informant, his name has been introduced and he is not connected with the entire episode. It is further submitted that the petitioner has clean antecedent. Learned counsel draws the attention of this Court to order dated 11.04.2016 passed in Cr. Misc. No. 3393 of 2016 by which a co-ordinate Bench has granted anticipatory bail to co-accused Ravi Rai and Putul Rai.

Learned Special P.P. opposes the prayer for anticipatory bail and submits that the *fardbeyan* itself discloses that there were 10-15 unknown persons, who brutally assaulted the husband of the petitioner and naturally, during investigation, names have come. It is submitted that such act is a clear reflection of intolerance prevailing, inasmuch as, just because the deceased was transporting cattle, he was beaten to death for being in such business.

Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the Court is not inclined to enlarge the petitioner on anticipatory bail.

The application, accordingly, stands dismissed.

(Ahsanuddin Amanullah, J)

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