

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.23995 of 2016

Arising Out of PS.Case No. -4 Year- 2016 Thana -KHUDWAN District- AURANGABAD

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1. Dhiraj Sharma S/o Arun Sharma, Resident of village- Kalan, P.S.
Khudwan, District- Aurangabad Petitioner/s

Versus

1. The State of Bihar Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Krishna Prasad Singh, Sr. Advocate

Mr. Praveen Kumar

For the Opposite Party/s : Mr. B. N. Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR

JHA

ORAL ORDER

4 05-08-2016

Heard Sri Krishna Prasad Singh, the learned senior counsel for the petitioner, and Mr. Brajendra Nath Pandey, the learned Additional Public Prosecutor.

The petitioner apprehends his arrest in Khudwan P.S. case No. 04 of 2016 under Section 147, 148, 149,302 of the Indian Penal Code.

The informant named the petitioner along with other accused persons and alleged that they all assaulted his brother with stick, Danda and iron rod. Co-accused, Mritunjay Sharma and Sanjay assaulted the brother of informant with iron rod and while he was taken to hospital he succumbed to the injuries.

Sri Krishna Prasad Singh, the learned senior counsel for the petitioner, submits that there is no specific allegation against the petitioner and co-accused, Purushottam Sharma, whose

case stands on the same footing, has already been granted regular bail by this court vide order passed in Cr. Misc. No. 16891 of 2016.

It appears that there is allegation against the petitioner that he also assaulted the deceased and anticipatory bail petition of similarly situated accused Munna Sharma and others have already been withdrawn vide order passed in Cr. Misc. No. 16093 of 2016.

Considering the facts aforesaid, I am not inclined to enlarge the petitioner on anticipatory bail. Accordingly, the same is rejected.

If the petitioner surrenders in the court below, i.e., the learned S.D.J.M., Daudnagar, Aurangabad in Khudwan P.S. case No. 04 of 2016, the learned court below shall consider the prayer for regular bail of the petitioner on its own merit taking into consideration the fact that co-accused Purushottam Sharma has already been granted regular bail by the High Court.

(Prabhat Kumar Jha, J)

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