

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25995 of 2016

Arising Out of PS.Case No. -139 Year- 2015 Thana -BUNIADGANJ District- GAYA

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1. Dharmendra Kumar @sukhi Singh S/o Hazari Prasad Singh resident of village- Nanauk, P.S.- Buniyadganj, District- Gaya Presently residing at Manpur, P.S.- Muffasil, District- Gaya

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sarvesh Kumar Singh

For the Opposite Party/s : Mr. Sri Bhanu Pratap Singh

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

2 18-07-2016 Heard Mr. Sarvesh Kumar Singh for the petitioner
and Mr. Bhanu Pratap Singh, APP for the State.

The petitioner herein seeks anticipatory bail in Buniyadganj P.S. Case No. 139 of 2015, registered under Sections 341, 307, 302, 387/34 of the Indian Penal Code and 27 of the Arms Act.

The allegation is that while the informant and others were traveling on a vehicle, another vehicle took over and stopped the vehicle of the informant. Four accused persons emerged therefrom. The petitioner is one of them. On the orders of co-accused Guddu Singh, the petitioner fired on the deceased brother of the informant who sustained fire arm injury

and died after some time.

Contention of the petitioner is that he has been cited as co-accused Sukhi Singh, although he is not Sukhi Singh. The Scorpio on which the accused(s) were allegedly traveling does not belong to the petitioner. The reason behind this, occurrence spelt out in the FIR is also questionable.

Learned APP opposed the prayer and contended that the petitioner is the assailant of the deceased. The postmortem report supported the prosecution case.

Considering the facts and circumstances of the case, I am not inclined to extend the privilege of anticipatory bail. The prayer is rejected.

(Kishore Kumar Mandal, J)

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