

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.15620 of 2016

Arising out of PS.Case No. -270 Year- 2015 Thana -RAJAUN District- BANKA

Bikas Kumar, son of Brahmdeo Prasad Singh, resident of Village- Nawada Bazar, P.S. Rajoun, District Banka.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner : Mr. Mritunjay Prasad Singh, Advocate.
For the Opposite Party : Mr. Nityanand Tiwary, A.P.P.
For the Informant : Mr. Brijnandan Prasad, Advocate.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 13-05-2016 Heard learned counsels for the petitioner, informant and learned counsel for the State.

The petitioner is apprehending his arrest in connection with Rajoun P.S. Case No. 270 of 2015 for the offences instituted under Sections 341, 323, 324, 307, 504 and 506/34 of the IPC. Subsequently, Section 302 IPC was also added.

The prosecution story, in brief, is that the accused Munilal Singh, Bipin Kumar and Akhilesh Kumar armed with *Lathi*, *Khanti* attacked on Pawan Kumar Singh, brother of the informant regarding a dispute for straw. Co-accused Munilal Singh had hit the informant with *Khanti* on his head by which he

sustained bleeding head injury and he fainted. When family members of the informant tried to save the victim, Manoj Kumar, this petitioner and others also attacked on them as a result of which, Pawan Kumar Singh died during the course of treatment.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. The petitioner has falsely been implicated in the present case. The main allegation of assault upon the deceased is against Munilal Singh, Bipin Kumar Singh and Akhilesh Kumar. No injury has been attributed against the petitioner as far as the deceased is concerned. The deceased had succumbed to the injuries after one month in course of treatment.

On behalf of the learned counsels for the State and the informant it has been submitted that the petitioner is named in the F.I.R. and was present at the time of occurrence. Though there is no allegation of assault against him.

Considering the aforesaid facts and circumstances, I am not inclined to grant anticipatory bail to the petitioner. The same is rejected in Rajoun P.S. Case No. 270/2015, pending in the court of the learned C.J.M., Banka. Anyhow, if the petitioner surrenders in the court below the same shall be considered on its own merit without being prejudiced by this order taking into account that

there is no allegation of assault against the petitioner as far as the deceased is concerned, preferably on the same day.

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(Sudhir Singh, J)