

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5714 of 2017

Arising Out of PS.Case No. -121 Year- 2016 Thana -GOPALGANJ TOWN District- GOPALGANJ

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Ambika Kumar S/o-Sunil Prasad, R/o Hanumangarhi, Sareya, P.S.-
Gopalganj, Dist.-Gopalganj.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Ratnakar Pandey

For the Opposite Party/s : Mr. Sri Anuj Kumar Srivastava

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

4 08-03-2017

Heard both sides.

The petitioner apprehends his arrest in Gopalganj Town
P.S. Case No. 121/2016, registered for the offences punishable under
Sections 341, 323, 307, 504 and 506 of the Indian Penal Code. Later
on Section 302 of the Indian Penal Code was added.

Shiv Shankar Sarma, the deceased alleged that while he
was going to give milk and when he reached near Hanumangarhi
Mandir Bholu Kumar, Naresh Kumar, Rakesh Kumar and Rohit
Kumar stopped him and assaulted the informant only because they
had gone to celebrate Holi and the people of Ward no. 3 assaulted
them because the informant belongs to the same Ward.

Learned counsel for the petitioner submits that the
informant Shiv Shankar Sharma @ Sukar Sharma did not name the
petitioner. The informant himself stated in his fardbeyan that on



alarm raised by him and others, his nephew Sunil Sharma came and therefore, the name of the petitioner figured in the case in the statement of Sunil Sharma. Sunil Sharma is not eye-witness of the occurrence. There is no specific allegation of assault against the petitioner, *but* from perusal of the case diary it appears that Gauri Shankar Sharma, Brajesh Kumar and Madhu Kumari in para 14, 15 and 16 of the case diary named the petitioner along with other accused persons and alleged that the petitioner also assaulted Shiv Shankar Sharma @ Sukar Sharma, the deceased. Thereafter, the statement of Sunil Sharma was recorded in para 20 of the case diary, who also disclosed the name of the petitioner.

It appears that other witnesses during course of investigation, such as, Ganesh Sharma, Motilal Sharma have also stated that the petitioner was also one of the assailants of Shiv Shankar Sharma @ Sukar Sharma who succumbed to injuries sustained on account of assault made by the petitioner and other accused persons.

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

(Prabhat Kumar Jha, J.)

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