

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43509 of 2017

Arising Out of PS.Case No. -165 Year- 2017 Thana -AMARPUR District- BANKA

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1. Md. Sahab Mansoori @ Sahab Mansoori @ Shab Mansoori Son of Late Satish Mansoori, resident of Village- Dumrama, P.S. Amarpur, District-Banka.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Jha

For the Opposite Party/s : Mr. Sri Rajendra Prasad Nat

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 19-09-2017 Heard both sides.

The petitioner apprehends his arrest in Amarpur P.S. Case No. 165/2017, registered for the offences punishable under Section 307 and other Sections of the Indian Penal Code. Later on Section 302 of the Indian Penal Code was added.

The deceased himself alleged that while he was coming to his house from Kusumsar at about 7:00 PM in the evening, the petitioner along with Mahesh Das, Pusi Das and Anil Das surrounded him and indiscriminately assaulted him with iron rod and *lathi*. The villagers took him to hospital. The occurrence took place due to dispute with regard to cycle theft.

Learned counsel for the petitioner submits that there



is no specific allegation of assault against the petitioner. The petitioner has falsely been implicated in the case. F.I.R. was lodged after five days of the occurrence, but it appears that the deceased himself made specific allegation that the petitioner and others indiscriminately assaulted him with iron rod and *lathi* and he was brought to Mayaganj Hospital for treatment, where he succumbed to injuries.

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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