

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30740 of 2017

Arising Out of PS.Case No. -490 Year- 2016 Thana -DHANARUA District- PATNA

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1. Sanjay Kumar @ Sanjay Prasad Son of- Late Krishnandan Prasad,
Resident of- Hiranchak, P.O.- Sonemai, P.S.- Dhanarua, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pritish Kumar Lal

For the Opposite Party/s : Mr. Sri Tarkeshwar Nath Thakur

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 02-08-2017

Heard learned counsel for the petitioner and the State.

The petitioner apprehends arrest in Dhanarua P.S. Case No. 490 of 2016 instituted for the offence under Sections-353, 506 of the Indian Penal Code.

It is alleged in the written report lodged by grand father of the deceased that this petitioner assaulted the grand son of the informant on head and different parts of the body, although he used to remain ill and the doctor has advised him not to assault the grand son of the informant. It is further alleged that earlier also, this petitioner used to assault him and snatched his cycle and mobile. It is further alleged that the petitioner has snatched the cycle of the deceased after making allegation that he has stolen his mobile and on the date of occurrence, he assaulted him brutally on account of which, he became unconscious and in the night, died.



The case diary has been received wherein the doctor in the postmortem has opined that death was due to head injuries and complication. It is also mentioned in the case diary that the cycle has been recovered from house of this petitioner. The seizure list is enclosed with the FIR.

Counsel for the petitioner has submitted that the boy was suffering from epilepsy and due to fall, he sustained injury. It has further been submitted that there is no eye witness and there is no specific allegation that this petitioner assaulted the deceased with intention to kill.

This court from the manner of allegation, made in the written report wherein specific allegation of assault has been made against him and the postmortem report as well as the fact that cycle has been recovered from the house of this petitioner, is not inclined to grant anticipatory bail to the petitioner. Accordingly, prayer for anticipatory bail is rejected.

The petitioner is directed to surrender in the court below and seek regular bail, which will be considered on its own merit without being prejudiced by this order.

(Sanjay Priya, J)

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