

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27703 of 2017

Arising Out of PS.Case No. -168 Year- 2017 Thana -JAHANABAD District- JEHANABAD

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1. Vidya Nand Singh, son of Kishori Singh,
2. Mintu Singh @ Mantu Singh, son of Jagarnath Singh, Both are residents
of Village- Kharoj, P.S.- Jehanabad (Kalpa), District- Jehanabad.
..... Petitioner/s

Versus

1. The State of Bihar. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Surendra Kumar Mishra

For the Opposite Party/s : Mr. Sri Nityanand

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

4 31-10-2017

Heard both sides.

The petitioners apprehend their arrest in Jehanabad
(Kalpa) P.S. case No. 168 of 2017 under Section 341, 342, 323,
324, 307, 302, 447, 504 and 34 of the Indian Penal Code.

The informant alleged that petitioners and other
accused persons assaulted the brother of the informant and the
brother of informant died on the spot.

The learned counsel for the petitioners submits that
in fact Shambhu Lal Yadav, the deceased, met with an accident.
The motor cycle of Shambhu Lal Yadav dashed with a cement pot,
meant for feeding of animal, and he died. During the course of
investigation many witnesses stated that Shambhu Lal Yadav died
on account of injuries sustained in the accident but from perusal of
the FIR and the case diary it appears that the informant has very



categorically stated that some scuffle took place due to flow of drainage. The petitioners and other accused persons are alleged to have assaulted the deceased and on account of assault Shambhu Lal Yadav died. Many other injured persons have stated that petitioners and other accused persons assaulted Shambhu Lal Yadav with stick and other weapons and consequently the deceased died but the I.O. for the reasons best known to him took the statement of so-called independent witnesses and come to the conclusion that the deceased died on account of accident but submitted partial charge sheet under Section 324, 354 and other sections of the IPC and not under Section 279 and 304A of the IPC.

Considering the facts aforesaid, I find that there is specific allegation against the petitioners that they assaulted the deceased and on account of assault made by them the deceased died. Accordingly, I am not inclined to enlarge the petitioners on anticipatory bail and the same is rejected.

(Prabhat Kumar Jha, J)

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