IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.16402 of 2017

Arising Out of PS.Case No. -112 Year- 2015 Thana -JALALGARH District- PURNIA

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1. Md. Margoob, Son of Md. Rafique, Resident of Village Gargatta P.S. Jalalgarh, District- Purnea.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Ram Prawesh Kumar
For the Opposite Party/s : Mr. Sri Sanjay Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA

ORAL ORDER

4 05-07-2017 Heard both sides.

The petitioner apprehends his arrest in Jalalgarh P.S. case No. 112 of 2015 under Section 307, 302 and other Sections of the Indian Penal Code.

The informant alleged that he along with his two brothers was going on a motor cycle but another motor cyclist, Md. Shakib, dashed the motor cycle of the informant. On enquiry, Md. Shakib and others, including the petitioner, are alleged to have assaulted Md. Akhlakh, the deceased brother of the informant, with fists and slaps. Md. Shakib and Shakir put his brother down on the ground and his brother died.

The learned counsel for the petitioner submits that there is no specific allegation of assault against the petitioner.

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From perusal of the post mortem report it would appear that deceased got one injury but from perusal of the FIR and case diary, it appears that informant and other witnesses have stated that, besides Shakib, all other accused persons, including the petitioner, assaulted the deceased brother of informant with fists and slaps causing his death on account of accident in which Shakib is said to have dashed the motor cycle of the informant.

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

(Prabhat Kumar Jha, J)

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