

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.9138 of 2018**

Arising Out of PS.Case No. -270 Year- 2017 Thana -BAJPATTI District- SITAMARHI

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1. Bikau Sah, Son of Dukhan Sah, Resident of Village- Madhurapur, P.S.  
Bajpatti, District- Sitamarhi.

.... .... Petitioner/s

Versus

1. The State of Bihar.

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Virendra Kumar

For the Opposite Party/s : Mr. Sri Ram Priya Saran Singh

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**CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR**  
**TRIVEDI**  
ORAL ORDER

2      17-02-2018                      Heard the learned counsel for the petitioner as well as  
learned Additional P.P.

The petitioner apprehends his arrest in Bajpatti P.S.  
Case No. 270/2017, instituted for the offences under Sections  
302/34 of the Indian Penal Code.

There happens to be allegation against the petitioner  
along with Sangeeta Devi and Chhoti Devi of having assaulted the  
husband of the informant, namely, Ramdev Sah with fists and  
slaps as a result of which, he fell down and died.

Learned counsel for the petitioner has submitted that  
though this case has been registered under Section 302 of the  
Indian Penal Code, but the manner of assault suggests that neither  
there was an intention nor knowledge that by such assault there



would be death of the deceased and further, there happens to be omnibus allegation, consequent thereupon it is a fit case wherein the petitioner should be allowed anticipatory bail.

Learned Additional P.P. has opposed the prayer.

Considering the aforesaid facts, the prayer for anticipatory bail of the petitioner is rejected.

While considering the regular bail, the learned lower court will consider the allegation in consonance with the submission as indicated herein above.

**(Aditya Kumar Trivedi, J.)**

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