

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8750 of 2018

Arising Out of PS.Case No. -43 Year- 2017 Thana -PATORI District- SAMASTIPUR

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1. Karpoori Sao, Son of Puna Sao, resident of Village- Bhaua, P.S. Patori,
District- Samastipur.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Raja Ram Mishra

For the Opposite Party/s : Mr. Sri Sanjay Kumar Tiwary 1

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN
PRASAD
ORAL ORDER

2 20-02-2018

Heard the learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner apprehends his arrest in connection with
Patori P.S. Case No. 43/2017, instituted for the offences punishable
under Sections 341, 323, 302, 504 and 427/34 of the Indian Penal
Code.

Learned counsel for the petitioner submits that save
and except that this petitioner has been named in the F.I.R. as one of
the members of the unlawful mob, who had gone to the place of the
informant and had assaulted his family members, there is no specific
allegation of assault against this petitioner. Learned counsel further
submits that he has been falsely implicated in the case because he
happens to be a neighbour not in the good relationship with the
informant. It has further been submitted that specific allegation of



assault by the handle of the pumping set or the hand pump has come against accused Pankaj Das.

On the other hand, learned A.P.P. for the State submits that the petitioner does not deserve privilege of anticipatory bail as similarly situated co-accused seems to have got regular bail by a co-ordinate Bench of this Court and as such, it would only be just and proper for the petitioner to surrender before the court below and seek regular bail.

Considering the facts and circumstances of the case where there are allegations against all the accused persons that they had assaulted the son and wife of the informant and due to that assault wife of the informant died in course of treatment at P.M.C.H. and further that one of the co-accused persons has been granted regular bail by a co-ordinate Bench of this Court, I am not inclined to grant anticipatory bail to this petitioner.

The petitioner, if so advised, may surrender before the court below within a period of four weeks from today and if prays for regular bail in the court below, the same shall be considered on the materials available on record without being prejudiced of this order.

(Rajeev Ranjan Prasad, J.)

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