

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33969 of 2018

Arising Out of PS. Case No.-4 Year-2018 Thana- AAYAR District- Bhojpur

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1. Shri Bhagwan Singh @ Sri Bhagwan.
 2. Deepak Singh, Both sons of Hari Kishore Singh, resident of Village- Bherari, P.S.- Ayar, District- Bhojpur Ara.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajiva Ranjan

For the Opposite Party/s : Mr. Sir Pramod Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL ORDER

3 11-07-2018 Heard learned counsel for the petitioners and learned APP
for the State.

Petitioners apprehend their arrest in Ayar P.S. case no. 04
of 2018 instituted for the offence under Section(s) 147, 149,
341, 323, 302 and 504 of the Indian Penal Code.

The application with respect to petitioner no.1, namely
Shri Bagwan Singh @Sri Bhagwan has already been dismissed
vide order dated 28.6.2018.

It is alleged in the fardbeayn that these petitioners and
other accused persons assaulted the father-in-law of the
informant with lathi and danda on account of which he died.

The case diary has been received in which the
postmortem report is available wherein the doctor has found



injuries on the person of the deceased caused by hard and blunt substance. Cause of death has been said to be the injury on left lung leading to excessive bleeding caused by hard and blunt substance.

Learned counsel for the petitioner No.2 has submitted that own brother of the deceased has given statement in para 9 of the case diary that deceased was patient of high blood pressure and he raised his voice and on account of which he fell on a hand pump and died. But such statement of witness is not corroborated with postmortem report of the doctor. The doctor has found injury on the person of deceased caused by hard and blunt substance. Therefore, this Court is not inclined to grant anticipatory bail to the petitioner No.2. Prayer for anticipatory bail of the petitioner No.2. stands rejected.

Petitioner No.2 may surrender before the Court below and make prayer for regular bail which shall be considered and disposed off on its own merit in accordance with law without being prejudiced by the present order.

(Sanjay Priya, J)

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