

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33476 of 2018

Arising Out of PS. Case No.-10 Year-2017 Thana- MEERGANJ District- Purnia

Md. Ghutar S/o Md. Mustaque, R/o Vill.- Rangpura, P.S.- Mirganj, District-
Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amit Kumar Anand

For the Opposite Party/s : Mr. Sri Arun Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 03-07-2018 Heard the learned counsel for the petitioner
and the State.

The petitioner seeks bail in anticipation of his arrest in connection with Mirganj P.S. Case No. 10 of 2017 dated 08.02.2017 instituted for the offences under Sections 341, 323, 307, 302, 504 and 34 of the Indian Penal Code.

The petitioner is alleged to have gone to the house of the informant and assaulted him. When his father (deceased) came to his rescue, he too was assaulted by means of a lathi on his head by one Md. Rijwan.

Mr. Amit Kumar Anand, learned counsel for the petitioner has submitted that the deceased died because of the aforesaid injury which is attributable to Md.



Rijwan only and not the petitioner.

However, regard being had to the fact that the occurrence had taken place in presence of the petitioner and he had also participated in assaulting the informant for which the deceased had to intervene, I am not inclined to grant anticipatory bail to the petitioner.

In case the petitioner surrenders before the court below and seeks bail, the court below shall look into all aspects of the matter and shall pass a reasoned order without being prejudiced by the fact that the present petition has not been entertained.

The petition is dismissed with the liberty aforesaid.

(Ashutosh Kumar, J)

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