

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27395 of 2018

Arising Out of PS. Case No.-6 Year-2018 Thana- THAKRAHA District- West Champaran

Dr. Uday Kushawaha @ Uday Kushawaha S/o Nathuni Kushawaha @ Nathuni Mahto, R/o Vill.- Gandhi Nagar, P.S.- Bagaha, District- West Champaran, At present resident of Rupahi, P.S.- Bhitaha O.P., District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Milind Kumar Mishra

For the Opposite Party/s : Mr. Sri Chaubey Jawahar

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 20-06-2018 Heard learned counsel for the petitioner and learned APP
for the State.

Petitioner apprehends his arrest in Thakaraha (Bhitaha)
P.S. case no. 06 of 2018 instituted for the offence under
Section(s) 147,149, 341, 323, and 302 of the Indian Penal
Code.

In the written report it is alleged that this petitioner with
other accused persons assaulted brutally the son of the
informant on the date of occurrence when he reached at the
place of occurrence on information that this petitioner has
misbehaved with his wife and when the son of the informant
made enquiry then this petitioner with other accused persons
brutally assaulted the son of the informant and handed him



over to the police. The informant got information on 10.1.18 from police station that condition of his son is serious and the informant went to the police station and took his son to Primary Health Centre, Bhitaha from where he was sent for better treatment to higher centre but he died while he was being taken to Ravindra Nagar Hospital.

Learned counsel for the petitioner has submitted that, in fact, on 9.1.2018 the petitioner has filed case against the son of the informant leveling allegation against him that he was assaulted with Garasa in his shop on the head. The injury report of the petitioner is annexed as Annexure-3 to the bail petition which is issued from the Primary Health Centre wherein it is mentioned that there was some bandage and no any opinion was given about the nature of the injury. Learned counsel for the petitioner submits that postmortem examination of the son of the informant was done wherein viscera has been preserved and no any definite opinion was given.

This Court, after perusing the FIR, finds that son of the informant died while he was in police custody. As per allegation he was handed over to the police after being brutally assaulted by the petitioner and other accused persons. Therefore, this Court is not inclined to grant anticipatory bail to



the petitioner. Prayer for anticipatory bail of the petitioner stands rejected.

Petitioner may surrender before the Court below and make prayer for regular bail which shall be considered and disposed of on its own merit in accordance with law without being prejudiced by the present order.

(Sanjay Priya, J)

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