

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.51895 of 2018

Arising Out of PS.Case No. -192 Year- 2018 Thana -WARISLIGANJ District-
NAWADA

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Suresh Kumar @ Suresh Yadav, Son of Bharath Yadav,
resident of Village Balwapar (Manjaur), P.S. Warisaliganj,
District- Nawada.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Birendra Kumar, Adv.

For the Opposite Party/s : Mrs. Veena Rani Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

3 29-10-2018 A supplementary affidavit has been filed on
behalf of the petitioner in Court. Let it be taken on record.

The petitioner seeks bail in anticipation of his
arrest in connection with Warisaliganj P.S. Case No. 192 of
2018, dated 13.06.2018, instituted for the offences
punishable under Sections 302/34 of the Indian Penal Code.

The petitioner has been named in the First
Information Report along with many others with the
allegation of assaulting and strangulating the deceased.

The learned counsel appearing on behalf of the



petitioner has submitted that the allegations do not inspire confidence for two reasons, *viz.*, (i) the informant is not an eye-witness to the occurrence and (ii) so many accused persons cannot assault one accused person. The cause of death is stated to be the impact of pressing of a hard blunt substance against the neck of the deceased. The other limb of argument of the learned counsel for the petitioner is that there is no specific accusation/role saddled on the petitioner.

In any view of the matter, considering the fact that the petitioner has been named in the First Information Report with the allegation of assaulting the deceased, I am not inclined to grant him the privilege of anticipatory bail.

This application is, accordingly, rejected.

However, if the petitioner, above named, surrenders before the Court below within a reasonable period and seeks regular bail, the Court below, after taking into account that there is general and omnibus allegation against the petitioner along with other accused persons, shall pass an order in accordance with law without being prejudiced by the fact that the present anticipatory bail application has not been entertained by this Court.

(Ashutosh Kumar, J)

Praveen-II/-

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