

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.54441 of 2018

Arising Out of PS. Case No.-164 Year-2018 Thana- GOPALGANJ TOWN District-
Gopalganj

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Shyam Lal Prasad, Son of Chandu Prasad, Resident of Village- Domariya,
P.S.- Town Gopalganj, District- Gopalganj.

... .. Petitioner

Versus

The State of Bihar.

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Dilip Kumar Tondon, Advocate.
For the Opposite Party : Mr. Kumar Ranjit Ranjan, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 19-12-2018 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner is apprehending his arrest in a case for
the offence registered under Sections 447, 341, 323, 324, 307,
504, 506/34 of the IPC. Later on, Section 302/34 of the IPC was
also added.

The prosecution story, in brief, is that on 06.04.2018
at about 2.00 P.M. the informant was at his house, in the
meantime, his villagers Shyam Lal Prasad (petitioner), co-
accused persons Ravi Kumar, Mira Devi, Lalita Devi and Rinki
Devi were filling the earth by Tractor in G.M. land which was
vacant and has used for general public works. It is alleged that
the informant objected the same whereupon the aforesaid



persons surrounded him with abuses and started assaulting by *Lathi, Danda* and *Iron-rod*. Informant's uncle Rojaddin Ansari went to rescue then he was too assaulted by *Lathi, Danda* and *Iron-rod*. Petitioner Shyam Lal Prasad assaulted with *Spade* on the head of the uncle of the informant, who received serious injury and fall on the ground. Co-accused Ravi Kumar assaulted informant's cousin by *Iron-rod* causing injury near the right thumb. Injured were taken to Sadar Hospital, Gopalganj from where Rojaddin Ansari was referred to higher centre for better treatment and during course of treatment, Rojaddin Ansari died after three days.

It has been submitted by learned counsel for the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case due to previous enmity. The manner of occurrence as alleged in the F.I.R. is denied by the petitioner.

On behalf of the learned counsel for the State, it has been submitted that the petitioner is named in the F.I.R. He is main assailant of the deceased.

Considering the aforesaid facts and circumstances, I am not inclined to grant anticipatory bail to the petitioner. The



same is rejected in connection with Gopalganj P.S. Case No. 164 of 2018, pending in the court of learned C.J.M. Gopalganj. Anyhow, if the petitioner surrenders and prays for regular bail, the same shall be considered by the learned court below on its own merit without being prejudiced by this order of the Court.

(Sudhir Singh, J)

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