

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43694 of 2018

Arising Out of PS. Case No.-108 Year-2017 Thana- PHULWARISHARIF District- Patna

Surendra Sao Bahira @ Surendra Kumar Son of Deep Lal Sao Resident of Village- New Mourya Bihar (Gobindpur), P.S. Phulwari Sharif, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rudra Deo

For the Opposite Party/s : Mr. Jai Narain Thakur

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

4 18-12-2018 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is apprehending his arrest in a case registered under Sections 302, 379 and 34 of the Indian Penal Code.

The prosecution case, in short, is that in course of playing, the ball went to the compound of a person and when the informant's son went to take it, he was caught hold by the accused persons and assaulted him due to which he succumbed to the injury.

It has been submitted on behalf of the petitioner that there is no allegation of tampering of witnesses alleged against the petitioner. The petitioner has falsely been implicated in the



present case. The general and omnibus allegation has been made against the petitioner. No specific injury has been attributed against the petitioner. The main allegation is against the co-accused namely Chunnu Sao.

On behalf of the State, it is submitted that the petitioner is named in the F.I.R. There is allegation of assault against the petitioner and others. There are three external injuries found in course of post mortem. The post-mortem report supports the allegations made in the F.I.R.

Considering the same, I am not inclined to grant anticipatory bail to the petitioner. Prayer is rejected. However, if the petitioner surrenders in the Court below and pray for bail, the same shall be considered on its own merit without being prejudiced by this order.

(Sudhir Singh, J)

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