

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.14302 of 2018

Arising Out of PS.Case No. -81 Year- 2017 Thana -RIGA District- SITAMARHI

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1. Himanshu Kumar S/o Chandeshwar Patel @ Chandrashekhar Patel , R/o
 Village- Rewasi, P.S.- Riga, District- Sitamrhi.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Jha

For the Opposite Party/s : Mr. Sanjay Kumar Tiwary

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
 ORAL ORDER

02/ 06.04.2018 Heard learned counsel for the petitioner as well as
 learned Addl. Public Prosecutor for the State.

Petitioner apprehends his arrest in connection with
 Riga P. S. case no. 81/2017 registered under section 302/34
 the Indian Penal Code.

Although learned counsel for the petitioner seeks
 anticipatory bail on the ground that some co-accused have
 already been granted the privilege of anticipatory bail by
 coordinate bench of this court and the deceased died of
 cardiac arrest but I am not at all convinced with the
 aforesaid submissions.

It is apparent from perusal of fardbeyan of the
 informant that the petitioner is very much named in the first



information report with allegation that he participated in assaulting the deceased. It is well settled principle of law that ocular evidence shall prevail over medical evidence.

Considering the aforesaid facts and circumstances as well as submissions of the parties, I am not inclined to extend the privilege of anticipatory bail to the petitioner and accordingly, his prayer for anticipatory bail stands rejected.

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(Hemant Kumar Srivastava,J)

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