

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.23271 of 2018

Arising Out of PS.Case No. -143 Year- 2017 Thana -GOPALPUR District- GOPALGANJ

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1. Shaukat Ali, Son of Haider Ali, Resident of Village- Gopalpur, Police Station- Gopalpur, District- Gopalganj.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Irshad Ahmad Khan

For the Opposite Party/s : Mr. Smt. Pronati Singh

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 19-04-2018 Heard the parties.

The petitioner is apprehending his arrest in connection with Gopalpur P.S.Case no.143 of 2017 registered for offences punishable under Sections 341, 323, 324, 307, 504, 506, 34 of the Indian Penal Code. Later on Section 302 IPC is added on death of the deceased.

Allegation against the petitioner is that is of assault by the blunt portion of the spade to the deceased, who died later on.

Submission of the learned counsel for the petitioner is that as a matter of fact he died due to collapse of the wall and not in the manner as stated in the FIR. Further submission is that there is delay of two days in lodging the FIR.

Heard learned A.P.P. , who has opposed the prayer for bail..



Having heard both sides and in view of specific allegation of assault, this is not a case for grant of anticipatory bail rather let the petitioner surrender before the learned court below and make prayer for regular bail , which will be considered by the learned court below on its own merit.

With the aforesaid observation, this application is dismissed.

(Vinod Kumar Sinha, J)

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