

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5203 of 2019

Arising Out of PS. Case No.-20 Year-2018 Thana- KUSHESHWARASTHAN District-
Darbhanga

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Om Prakash Sada S/o Baleshwar Sada Village-Kunj Bhawan, P.S. -
Kusheshwar Asthan, District – Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dr. Abdus Shakoor
For the Opposite Party/s : Mr. Sanjay Kumar Tiwary

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 01-02-2019 Heard the learned counsel for the petitioner and
the State.

The petitioner seeks bail in anticipation of his arrest in connection with Kusheshwar Asthan P.S. Case No. 20 of 2018 dated 01.02.2018 instituted for the offences under Sections 147, 148, 149, 341, 323, 324, 337, 307, 302, 504 and 506 of the Indian Penal Code.

Learned counsel for the petitioner has submitted that the main allegation is against one Bhim Sada who is said to have assaulted the deceased by means of an iron rod. Thereafter, the petitioner and two others are specifically alleged to have assaulted the deceased by means of lathi. He has further submitted that the post-mortem report reveals that there was only one fatal injury which was on the head and which can



safely be attributed to Bhim Sada and not the petitioner.

However, regard being had to the fact that the petitioner has also been specifically alleged to have assaulted the deceased, I am not inclined to grant anticipatory bail to him.

Accordingly, the prayer for anticipatory bail is rejected.

However, if he surrenders and prays for bail, the court below shall look into the fact that only one injury was caused to the informant which proved fatal and that injury is attributed to somebody else and not the petitioner, and shall pass orders in accordance with law without being prejudiced by the present rejection.

(Ashutosh Kumar, J)

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