

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7417 of 2019

Arising Out of PS. Case No.-824 Year-2018 Thana- KATIHAR District- Katihar

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Bablu @ Md. Bablu @ Md. Iftekhar, aged about – 38 yrs, Gender- Male, S/o
– Md. Ainul Haque, Resident of Village – Choudhary Mohalla, P.S. - Town,
Distt. - Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Sri Rajesh Kumar Singh, Advocate
Sri Anand Kumar, Advocate
For the Opposite Party/s : Mrs.Pronoti Singh

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

3 04-04-2019 Heard Sri Rajesh Kumar Singh, learned counsel

assisted by Sri Anand Kumar, learned counsel for the petitioner
and Smt. Pronoti Singh, learned Additional Public Prosecutor.

The sole petitioner, who has been named as accused
in connection with Town P.S. Case No. 824 of 2018 registered
for the offence under Section 302, 34 of the Indian Penal Code,
1860 has prayed for grant of bail in the event of his arrest or
surrender.

It was submitted by Sri Singh, learned counsel for the
petitioner that though petitioner was arrayed as one of accused
in the F.I.R. save and except the fact that he was participant
there is no specific accusation against the petitioner. He further
submits that during post mortem examination no external injury



was found on the person of the deceased and as such it is a fit case for grant of anticipatory bail whereas learned Additional Public Prosecutor opposing the prayer submits that in the F.I.R. itself there is accusation of participation by the petitioner.

Besides hearing learned counsel for the parties, I have also perused material on record. In the case there was specific evidence that deceased was assaulted by legs and fists, and as such, if there was no external injury on the person of the deceased inference cannot be drawn that he died not due to injury caused by the accused persons. Internal injuries were noticed by the doctor. Moreover, in view of specific accusation and the fact that it was a case under Section 302, 34 of the Indian Penal Code, 1860, there was no reason to entertain the prayer for anticipatory bail.

The petition stands dismissed.

(Rakesh Kumar, J)

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