

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9838 of 2019

Arising Out of PS. Case No.-802 Year-2018 Thana- AHYAPUR District- Muzaffarpur

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SUMAN KUMAR @ SOBHAN KUMAR S/o Sanjeev Kumar R/o Village-
Jagdamba Nagar, P.S.- Ahiyapur, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Anish Kumar

For the Opposite Party/s : Mr.Mohammad Sufyan

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 25-04-2019 This application, for grant of anticipatory bail, arises out of Ahiyapur P.S. Case No. 802/18, disclosing offences under Sections 147, 148, 149, 323, 302 and 342 of the Indian Penal Code.

Allegation against the petitioner and other accused persons is that they took the brother of informant in a under construction building and badly assaulted him causing his death.

Submission of learned counsel for the petitioner is that as a matter of fact brother of informant was caught with allegation of stealing the mobile phone by large number of persons and was assaulted and no specific allegation has been attributed to the petitioner and he is a shop keeper and has falsely been made accused in this case.

Learned counsel for the State opposed the prayer for



bail and submitted that the witnesses have also supported the prosecution case and from postmortem report, it appears that multiple bruises and other injuries were found on the person of the deceased.

Having heard both sides, considering the facts and circumstances as well as the nature of allegation, I am not inclined to grant the privilege of anticipatory bail to the petitioner rather petitioner should surrender before the court below and make prayer for regular bail and if any such application is filed, the court below will dispose of the same on the basis of materials available on record, without being prejudiced by this order.

This application is, accordingly, dismissed

(Vinod Kumar Sinha, J)

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