

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35200 of 2019**

Arising Out of PS. Case No.-172 Year-2017 Thana- CHIRAIYA District- East Champaran

Gariban Sahni, Son of Ganesh Sahni Resident of Village - Akauna, P.S.-
Chiraiya, Dsit.- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Madhav Jha

For the Opposite Party/s : Mr.Tapeshwar Sharma

**CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER**

4 05-09-2019 This is an application for grant of anticipatory bail in connection with Chiraiya P. S. Case No. 172 of 2017, disclosing offences under Sections 302, 120B, 34 of IPC.

Prosecution case is that petitioner was asked by the deceased to remove the shop and on that, he killed in conspiracy with the other accused persons.

Submission of the learned counsel for the petitioner is that there is contradictions in the statements of the witnesses. So far the motive behind the occurrence is concerned, as some of the witnesses have stated that removable of the shop, he has been killed by the petitioner in conspiracy along with other accused persons and some of the witnesses have stated with respect to money transaction, he has been killed and there is no specific allegation against this petitioner.



Heard learned A.P.P. also, who has opposed prayer for anticipatory bail and drawn my attention towards para 10 & 11 of the case diary, in which it has been stated that there is specific allegation against this petitioner of causing injury to the deceased and due to that he died and as such, he does not deserve privilege of anticipatory bail.

Having heard both sides, in view of the allegations, I am not inclined to grant privilege of anticipatory bail to the petitioner, however, the petitioner is directed to surrender before the learned court below and make prayer for regular bail.

With the aforesaid, this application is dismissed.

(Vinod Kumar Sinha, J)

Sunil Shukla/-

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