

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42034 of 2019

Arising Out of PS. Case No.-225 Year-2018 Thana- TARAIYA District- Saran

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KASHINATH RAY Son of Shyam Lal Ray Resident of Village - Bagahi
Harakhpur, P.S.- Taraiya, District - Saran (Chapra).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Brij Kishor Mishra

For the Opposite Party/s : Mr.Navin Kumar Pandey

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

5 26-09-2019 This application, for grant of anticipatory bail,

arises out of Taraiya P.S. Case No. 225/18, disclosing offences

under Sections 341, 323, 324, 307, 379, 504/34 of the Indian

Penal Code.

Prosecution case is that petitioner and other

came variously armed and started abusing the informant and

when his cousin brother, namely, Chandan Kumar intervened in

the matter, then, petitioner assaulted him on his head by means

of sword and there is also against accused persons of assaulting

family members of informant and taking away Rs. 20,000/-.

Thereafter, the injured Chandan Kumar was taken to PMCH for

treatment but he succumbed to his injuries.

Submission of learned counsel for the petitioner is

that the deceased died after 15 days of occurrence and the



occurrence had taken place on the spur of the moment, which will appear from the fact that there is no repetition of blow as only one injury was found on the persons of the deceased

Heard learned A.P.P. as well as learned counsel for the informant. They opposed the prayer for anticipatory bail of the petitioner.

Having heard both sides, considering the facts and circumstances as well as the fact that petitioner is an accused in one more case of similar nature, I am not inclined to grant the privilege of anticipatory bail to the petitioner rather petitioner may 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, if possible on same day, without being prejudiced by this order.

This application is, accordingly, dismissed.

(Vinod Kumar Sinha, J)

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