

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39696 of 2019**

Arising Out of PS. Case No.-61 Year-2019 Thana- BANMANKHI District-
Purnia

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JITENDRA SAH S/o- Shivnandan Sah R/o- Village- Mohania Chakala, P.S.-
Banmankhi, District- Purnea.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner	:	Mr. N.K. Agrawal, Sr. Advocate. Mr. Amresh Kumar Sinha Miss Preety Kunwar, Advocates.
For the Informant	:	Ms. Kumari Sudha Sinha, Advocate.
For the State	:	Mr. Yogendra Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

3 28-08-2019 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest for the offences
alleged under Sections 341, 323, 325, 307, 302/34 of the Indian
Penal Code registered in connection with Banmakhi P.S. Case No.
61 of 2019.

3. It is submitted that the petitioner has been falsely
implicated in the backdrop of land dispute between the parties.
The petitioner is the uncle of the informant and it is alleged that
the petitioner along with co-accused Shivnandan Sah assaulted
the informant's father (petitioner's brother) who died in course
of treatment. It is submitted that the accusation of assault by two



persons is not corroborated by the post mortem report which discloses only one injury on the forehead of the deceased. The petitioner claims clean antecedents.

4. Learned APP assisted by learned counsel for the informant appears and has been heard. It is submitted by the informant that there is direct accusation of assault attributed to the petitioner on the deceased as well as assault on the informant's mother Geeta Devi on her head who has also sustained injury. As such the accusation under Sections 302 IPC as well as Section 307 IPC are made out against the petitioner.

5. Having regard to the nature of accusations and the gravity of the offence alleged, this Court is not inclined to grant the privilege of anticipatory bail to the petitioner. The anticipatory bail petition stands dismissed.

(Vikash Jain, J)

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