

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65259 of 2019

Arising Out of PS. Case No.-93 Year-2018 Thana- THARTHARI District- Nalanda

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Dharampal Kumar aged about 22 years (male), Son of Bindeshwar Gope,
Resident of Village- Atwal Chak, Police Station- Tharthari, District- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar Singh, Adv.

For the Opposite Party/s : Mr. Lalan Kumar, APP.

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 05-11-2019 Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the State.

The petitioner apprehends her arrest in connection
with Tharthari P.S. Case No. 93 of 2018 registered under
sections 302/34 of Indian Penal Code and Section 27 of the
Arms Act.

The allegation against the petitioner is that the
petitioner along with other accused person fired upon the son of
the informant causing his death.

Learned counsel appearing for the petitioner submits
that the petitioner has unnecessarily been implicated in this case
inasmuch as even from the perusal of the first information
report, it would be evident that the firing made by the petitioner
upon the deceased hit near the index finger. Learned counsel



further submits that the fire arms injury caused by the petitioner has not caused the death of the deceased inasmuch as from the postmortem report, it is evident that the cause of death is from the bullet injury received by the deceased near chest which was fired by another co-accused persons.

On the other hand, learned counsel appearing for the informant vehemently opposes the prayer for anticipatory bail and submits that the petitioner is one of the assailants and with an intention to kill the deceased he has fired upon him along with one another accused person and the petitioner does not deserve the privilege of anticipatory bail being one of the assailants.

Having regard to the submission made by the parties and taking into consideration the fact that the petitioner has fired upon the deceased along with co-accused, I am not inclined to exercise my discretion to grant anticipatory bail.

This application is, accordingly, rejected.

(Anil Kumar Sinha, J)

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