

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19136 of 2020

Arising Out of PS. Case No.-112 Year-2019 Thana- BEUR District- Patna

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Anil Kumar Son of Late Shiv Kumar Yadav @ Shiv Kumar Rai Resident of
Village - Naya Tola, Saristabad, P.S.- Gardanibagh, Dist.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Sanjay Kumar Singh, Advocate
For the Opposite Party/s	:	Mr. Binod Kumar, APP
For the Informant	:	Mr. Ram Pravesh Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

4 09-11-2020 Heard Mr. Sanjay Kumar Singh, learned
counsel for the petitioner, Mr. Ram Pravesh Kumar,
learned counsel for the informant and Mr. Binod Kumar,
learned APP for the State.

The petitioner seeks bail in anticipation of his
arrest in connection with Beur P.S. Case No. 112 of
2019 dated 16.03.2019 which was initially instituted for
the offences under Sections 147, 148, 149, 323, 341,
325, 307 and 379 of the Indian Penal Code. Later with
the death of deceased Section 302 IPC was added.

During the erection of a boundary wall over a
disputed land an occurrence is said to have taken place
in which several named persons including the petitioner
and many other unnamed persons entered into an
altercation with the prosecution party and assaulted one



Daisy Kumari, who died.

Learned counsel for the petitioner has submitted that the case appears to be false in as much as the dispute of the land between the informant and one Arun Kumar led to an altercation but Arun Kumar was not found to be present on the place of occurrence and during the course of investigation his alibi was found to be correct.

Apart from this, the police during the course of investigation has found the implication of six other persons to be suspicious in nature. On these two grounds, learned counsel for the petitioner submits that the petitioner deserves to be enlarged on anticipatory bail as he has only been named without any specific accusation.

However, considering the nature of accusation against the petitioner and others, I am not inclined to grant anticipatory bail to him.

Accordingly, the prayer for anticipatory bail is rejected.

However, if the petitioner surrenders before the court below and seeks bail, the court below shall take into account all relevant facts including what has been stated above and shall pass orders in accordance with law without being prejudiced by the fact that the



present petition has not been entertained.

(Ashutosh Kumar, J)

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