

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24009 of 2020**

Arising Out of PS. Case No.-140 Year-2020 Thana- BASANTPUR District- Siwan

AJIT SINGH Son of Ramnath Singh Resident of Village - Nagauli, P.S. -
Basantpur, District - Siwan.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bijay Prakash Singh
For the Opposite Party/s : Dr. Indihar Kumari, APP

**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER**

4 03-12-2020 The learned counsel for the parties were heard yesterday at length and the instant case has been listed today “For Orders”.

The petitioner apprehends his arrest in connection with Basantpur P.S. Case No. 140 of 2020 for the offence punishable under Sections 307, 504, 506, 302/34 and other allied sections of the Indian Penal Code and Sections 51(b) of N.D.M.A. 2005.

The case of the prosecution in brief is that on 05.04.2020 at about 8:55 P.M. in the night, the accused persons including the petitioner herein, in all about 40 in number, had arrived in the locality of the informant, armed with lathi and sticks, whereafter they had started abusing and saying that the light bulb should be switched off, however, some people of the



said locality had objected, whereupon the accused persons had gone towards the place where the transformers were situated. It is further alleged that subsequently at about 9:30 P.M. some people of the locality had said that the accused persons had disconnected the electric line of the Muslim locality, whereafter the members of the prosecution party had gone there, however, the accused persons had started assaulting them with lathi and sticks as also had abused them, however, the police officials had arrived and the accused persons were pacified. It is also alleged that on 06.04.2020 at about 11:00 A.M. in the day time, when the members of the prosecution party had gone to the Sarpanch of the Panchayat for mediation, the accused persons had assaulted them with lathi, sticks and iron rod, resulting in the informant and one Rafique Alam having become unconscious, whereafter they had fallen on the ground. Subsequently, the said Rafique Alam is stated to have died during the course of treatment.

The learned counsel for the petitioner has submitted that the petitioner is innocent, has been falsely implicated in the present case and is having a clean antecedent. The learned counsel for the petitioner has further submitted that the said Raque Alam was examined by the Doctor at the



Primary Health Centre, Basantpur on 10.04.2020 and only one injury was found. It is also submitted that one Afjeeda Khatoon, who is the wife of the said deceased Rafique Alam, has deposed before the police that co-accused Manoj Tiwary had hit her husband on the head by a brick, resulting in her husband falling on the ground. It is thus submitted that a general and omnibus allegation has been levelled as far as the petitioner is concerned, however, the injuries resulting in death of the deceased, can be said to have been inflicted by the Co-accused person namely Manoj Tiwary.

The learned APP appearing for the State has vehemently opposed the prayer for anticipatory bail, made by the petitioner.

Having heard the learned counsel for the parties as also having gone through the materials on record and the case diary in question, this Court finds that miniscule evidence is available qua the petitioner herein so as to connect him with the alleged crime and moreover, a general and omnibus allegation has been levelled against the petitioner and other accused persons. This Court further finds from paragraph No.-25 of the case diary that the wife of the deceased, in her statement made before the police has stated that the co-accused Manoj Tiwary is



alleged to have hit the deceased on his head by a brick, resulting in him falling on the ground and his subsequent death and moreover, the same also stands corroborated by the injury report, thus, I find that benefit of doubt can be extended to the petitioner herein for the purposes of grant of anticipatory bail, hence, I deem it fit and proper to admit the petitioner to the privilege of anticipatory bail.

Accordingly, in the event of arrest or surrender before the learned court below within a period of four weeks from today, the petitioner, above named, shall be enlarged on anticipatory bail on furnishing bail bonds of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Siwan in connection with Basantpur P.S. Case No. 140 of 2020, subject to the conditions, as laid down under Section 438(2) of the Cr. P. C.

(Mohit Kumar Shah, J)

Tiwary/-

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