

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66182 of 2019

Arising Out of PS. Case No.-46 Year-2019 Thana- WARISNAGAR District- Samastipur

Mohan Kumar Singh Son of Pramod Kumar Singh Resident of Village -
Surajpur, P.S.- Ujiarpur, District- Samastipur

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Shambhu Sharan Singh, Advocate.
For the State : Mr. Ajay Kumar No. 2, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA**

ORAL ORDER

7 07-07-2020 Heard learned counsel for the petitioner as well as

learned Additional Public Prosecutor for the State through video

conferencing.

Petitioner apprehends his arrest in connection with

Warisnagar P.S. Case No. 46 of 2019 registered for the offences

punishable under Section 302/34 of the Indian Penal Code.

Petitioner is named in the first information report with

allegation that he as well as other FIR named accused persons

assaulted the informant by means of lathi and other weapons.

Furthermore, it is specifically stated that petitioner gave blow of

sharp cutting weapon on the head of the deceased.

Learned counsel appearing for the petitioner submits

that postmortem report of the deceased goes to show that no



injury on the head of the deceased was found and admittedly, there is land dispute between the parties. He further submits that moreover, one co-accused, having more or less similar allegation, has already been granted privilege of anticipatory bail by a co-ordinate Bench of this court vide order dated 23.08.2019 passed in Cr. Misc. No. 37693 of 2019.

On the other hand, learned Additional Public Prosecutor opposed the prayer submitting that according to prosecution case, the petitioner participated in the alleged crime and the postmortem report of the deceased goes to show that several injuries were found on his person.

Considering the aforesaid facts and circumstances as well as submissions of the parties, I am not inclined to extend the privilege of anticipatory bail to petitioner. Accordingly, his prayer for anticipatory bail stands rejected.

However, it is made clear that this order shall not cause any prejudice to competent court at the time of consideration of regular bail application of the petitioner.

(Hemant Kumar Srivastava, J)

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