

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28007 of 2020

Arising Out of PS. Case No.-192 Year-2019 Thana- PARASBIGHA District- Jehanabad

1. CHANDRABHUSHAN KUMAR Son of Late Jugeshwar Sharma Resident of Village- Basantpur, P.S.- Parasbigha, District- Jehanabad.
2. Rahul Kumar Son of Awadh Narayan Sharma Resident of Village- Basantpur, P.S.- Parasbigha, District- Jehanabad.

... .. Petitioners.

Versus

THE STATE OF BIHAR

... .. Opposite Party.

Appearance :

For the Petitioners	:	Mr. Ramakant Sharma, Senior Advocate. Mr. L.K. Sharma, Advocate.
For the State	:	Mr. A.M.P. Mehta, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

- 3 19-03-2021 Heard learned Senior counsel for the petitioners and the learned A.P.P. for the State.

The petitioners apprehend their arrest in connection with Parasbigha P.S. Case No.192 of 2019 registered under Sections 147, 149, 343, 323 and 302 of the Indian Penal Code, pending in the court of Sri P.K. Bharti, Judicial Magistrate, First Class, Jehanabad.

The accusation is that Bikram Kumar, the cousin of the informant Jitendra Kumar, used to do the business of diesel at Sarthua More. On 04.09.2019, after taking the dinner, Bikram Kumar, the cousin of the informant, proceeded from his house to sleep at his diesel shop. In the night, some unknown



started to cause assault to Bikrm Kumar, the cousin of the informant, regarding which the information was given by someone at Parasbigha Police Station on which the police of Parasbigha Police Station went at village-Basantpur and carried Bikram Kumar, the cousin of the informant, to Sadar Hospital, Jehanabad, where he was under treatment for about 3 hours but, thereafter, he was referred to P.M.C.H. Thereafter, the informant was informed by Parasbigha Police Station, then the informant went at P.M.C.H. and Bikram Kumar was admitted at P.M.C.H. in the Emergency Ward on 05.09.2019 at 09.45 A.M. and in course of treatment Bikram Kumar, the cousin of the informant, died. The occurrence is said to have taken place inside the road in village-Basantpur.

Learned Senior counsel appearing on behalf of the petitioners submits that the petitioners are not named in the F.I.R. In course of investigation, the witnesses in paragraphs-17 to 20 of the case diary, have stated that while the petitioners were sleeping on the truck after parking the same inside the road in village-Basantpur, then the petitioners on hearing the sound of Khat-khat woke up and saw the deceased indulged in stealing the diesel, then they caught hold up the deceased and, at that time, the deceased bite the petitioners. Thereafter, the mob



gathered there and caused assault to the deceased due to which he died but the petitioners have falsely been implicated in this case.

On the other hand, learned Additional Public Prosecutor for the State submits that during investigation, it has come in the statements of the witnesses, as detailed in paragraphs-17 to 20 of the case diary, that due to stealing of the diesel by the deceased from the truck of the petitioners, the mob including the petitioners assaulted the deceased.

Having considered the facts and the circumstances of the case and the nature of allegation against the petitioners, I am not inclined to grant anticipatory bail to the petitioners. Accordingly, the prayer of the petitioners for grant of anticipatory bail stands rejected. However, the petitioners are directed to surrender before the trial court within four weeks from today and pray for regular bail, which shall be considered by the trial court in accordance with law without being prejudiced by the order of this Court.

(Rajendra Kumar Mishra, J)

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