

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26541 of 2020

Arising Out of PS. Case No.-28 Year-2019 Thana- MAJHAULIA District- West Champaran

1. SIKANDAR RAM @ SIKANDAR KUMAR RAM S/o Late Maharaj Ram Resident of Village- Triveni, P.S.- Majhauria, District- West Champaran.
2. Mukti Ram S/o Late Maharaj Ram Resident of Village- Triveni, P.S.- Majhauria, District- West Champaran.
3. Anita Devi W/o Mukti Ram Resident of Village- Triveni, P.S.- Majhauria, District- West Champaran.
4. Sona Devi W/o Bachan Ram Resident of Village- Triveni, P.S.- Majhauria, District- West Champaran.
5. Rekha Devi W/o Ravindra Ram Resident of Village- Triveni, P.S.- Majhauria, District- West Champaran.
6. Sheela Devi W/o Upendra Ram Resident of Village- Triveni, P.S.- Majhauria, District- West Champaran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar
For the Opposite Party/s : Mr.. C. Jawahar, APP.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

4 19-02-2021 Heard learned counsel for the petitioner no. 2 and
learned APP for the State.

All the petitioners, except petitioner no. 2, have been
granted anticipatory bail vide order dated 04.11.2020 passed in
the present case.

The petitioner no. 2 is apprehending his arrest in
Manjhaulia P.S. Case No. 28/2019 registered under Sections
147, 148, 149, 504, 506, 341, 323, 307, 379, 302 of the Indian



Penal Code.

The prosecution allegation, in short, is that the accused persons abused the cousin of the informant and when he protested, he was assaulted due to which he sustained injury and later died in course of treatment.

It has been submitted on behalf of the petitioner no. 2 that he has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner no. 2. The petitioner no. 2 has falsely been implicated in the present case. There is no substantive evidence to suggest implication of the petitioner in the present case. From perusal of the F.I.R., it appears that at best, an offence under section 304 Part-II IPC is made out. Though the petitioner no. 2 is alleged to be present at the place of occurrence, having a gun with him but the same has not been used. Only butt of the gun has been used. This clearly shows that the petitioner no. 2 had no intention to cause death of the deceased.

On behalf of the State, it is submitted that the petitioner no. 2 is named in the F.I.R. Case diary was called for. From perusal of the post-mortem report, it appears that there is injury on the head caused by blunt substance and as per the allegation in the F.I.R., petitioner no. 2 had caused an injury on



the head with the butt of the gun. The post-mortem report corroborates the allegation made in the F.I.R.

Considering the same, I am not inclined to grant anticipatory bail to the petitioner no. 2. The prayer is rejected. If the petitioner no. 2 surrenders in the Court below, the same shall be considered on its own merit without being prejudiced by the present order.

(Sudhir Singh, J)

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