

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31655 of 2020

Arising Out of PS. Case No.-255 Year-2019 Thana- GURUA District- Gaya

Rahul Kumar (M) aged about 22 years, son of Sohan Paswan, resident of Village - Usewa, P.S.- Gurua, Distt.- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Prithivi Raj Singh, Advocate
For the State	:	Mr. Shantanu Kumar, APP
For the Informant	:	Mr. Vinod Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 12-02-2021

Heard Mr. Prithivi Raj Singh, learned counsel for the petitioner; Mr. Shantanu Kumar, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State and Mr. Vinod Kumar, learned counsel for the petitioner.

2. The petitioner apprehends arrest in connection with Gurua PS Case No.255 of 2019 dated 30.11.2019, instituted under Sections 302/34 of the Indian Penal Code.

3. The allegation against the petitioner and others is of assaulting of his grandfather leading to his death.

4. Learned counsel for the petitioner submitted that the allegation is general and omnibus in nature without there being any overt act alleged against him. It was submitted that the petitioner has no other criminal antecedent.



5. Learned APP submitted that the postmortem report, as has been noticed by the Court below, clearly corroborates the allegation that there was assault by all persons and death is due to asphyxia with pressure having been exerted on the neck, mouth and chest.

6. Learned counsel for the informant submitted that the petitioner and his father and others had killed the petitioner's grandfather and the informant is the grandmother of the petitioner and, thus, it cannot be believed that she would falsely implicate her son, grandson and other close relatives. He also reiterated that the postmortem report corroborates the manner of occurrence and the role of the petitioner, as been stated in the FIR.

7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the Court is not inclined to grant pre-arrest bail to the petitioner.

8. Accordingly, the application stands dismissed.

(Ahsanuddin Amanullah, J)

J. Alam/-

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