

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32119 of 2020**

Arising Out of PS. Case No.-367 Year-2019 Thana- KALYANPUR District- Samastipur

GANESI DAS @ GANESH DAS S/o Late Bindeshwari Das Address not found

... .. Petitioner.

Versus

The State of Bihar

... .. Opposite Party.

Appearance :

For the Petitioner	:	Mr. Manoj Kumar, Advocate.
For the State	:	Mr. Sanjay Kumar Singh, A.P.P.
For the Informant	:	Ms. Smita Pandey, Advocate.

**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

3 05-04-2021 Heard learned counsel for the petitioner and the learned A.P.P. for the State as also the learned counsel for the informant.

The petitioner apprehends his arrest in connection with Kalyanpur P.S. Case No.367 of 2019 registered under Sections 302/34 of the Indian Penal Code, pending in the court of the Chief Judicial Magistrate, Samastipur.

The accusation is that due to enmity, Sunil Das, Anil Das, Rakesh Das alias Nanhki and Rajesh Das, the co-villagers of the informant Ram Vinod Lal Das, surrounded the informant and started to abuse. When Ram Naresh Lal Das, the brother of the informant, made protest, then they started to cause assault. On seeing this, Ganesi Das (petitioner), Nitish Kumar, Rajendra



Das and Devendra Das came and started to cause assault. In that course, Sunil Das gave a Farsa blow causing injury on the head of the brother of the informant, whereas this petitioner, Devendra Das and Nitish Kumar caused injury to the brother of the informant through rod. Thereafter, the brother of the informant was rushed to Sadar Hospital, Samastipur, from where he was referred and admitted to D.M.C.H., Darbhanga and from there, he was referred to Patna. The brother of the informant died in course of treatment.

Learned counsel appearing on behalf of the petitioner submits that while the petitioner is named in the F.I.R. along with other accused with the allegation to cause injury to the deceased, the brother of the informant, through rod with the association of Devendra Das and Nitish Kumar but in the post-mortem report of the deceased, the brother of the informant, only one stitched wound was found, which is said to be caused by hard and blunt substance, and there is no repetition of giving rod blow by the petitioner to the deceased, the brother of the informant.

Having considered the facts and the circumstances of the case and the nature of allegation against the petitioner, I am not inclined to grant anticipatory bail to the petitioner.



Accordingly, the prayer of the petitioner for grant of anticipatory bail stands rejected. However, the petitioner is 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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