

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38443 of 2020**

Arising Out of PS. Case No.-95 Year-2020 Thana- GAIGHAT District- Muzaffarpur

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UMESH SINGH SON OF LATE RAMBABU SINGH RESIDENT OF
VILLAGE PIRAUCHA, P.S.- GAIGHAT, DISTRICT- MUZAFFARPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Anuj Kumar
For the State	:	Mr. Aslam Ansari, APP
For the informant	:	Dr. Bipin Chandra

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**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER**

2 13-07-2021 Heard both sides.

The matter has been taken up through video conferencing.

The petitioner apprehends his arrest in Gaighat PS Case No. 95/2020 registered under Section 302, 307 and other minor Sections of the Indian Penal Code.

The informant named the petitioner along with other accused persons and alleged that the accused persons having armed with different weapons came and abused Premchandra @ Bela, uncle of the informant. Thereafter, the petitioner and others also came and indiscriminately assaulted other family members of the informant. On the order of petitioner Bhonu Singh assaulted the father and uncle of the informant. The



father of informant died on the spot.

The learned counsel for the petitioner submits that petitioner is order giver. The FIR is of 28.03.2020 but FIR was sent to the court on 18.04.2020. There is inordinate delay in sending the FIR and this fact itself creates reasonable doubt about the fabrication of the FIR. Some interpolation is also made in the inquest report.

The learned APP as well as the learned counsel for the informant vehemently opposed the prayer for anticipatory bail.

It appears from the FIR itself that it was the petitioner who gave order and on his order Bhonu Singh assaulted father and uncle of the informant. Thereafter all the accused persons including the petitioner are alleged to have assaulted the father of informant causing his death on the spot. Many injuries were found on the person of the deceased. The petitioner has got criminal antecedent.

Taking into consideration the facts aforesaid, I am not inclined to enlarge the petitioner on anticipatory bail. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J)

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