

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.39517 of 2020

**Arising out of P.S. Case No. 30, year- 2020, Thana- Gwalpara District
Nalanda**

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Nandan Kumar, Male, aged about 21 years, S/O Umesh Yadav R/O village-
Perokia, Ward No. 08 P.S. Gwalpara, District Madhepura.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opp. Party/s

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Appearance :

For the Petitioner/s : Mr. Uday Chandra Prasad, Adv.

For the Opp. Party/s : Mr. Humayou Ahmad Khan, APP

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

ORAL ORDER

2 02-06-2021

The present petition has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID 19 Pandemic, requiring social distancing.

The petitioner apprehends his arrest in connection with Gwalpara P.S. Case No. 30 of 2020 for the offence punishable under sections 302, 427 and 34 of the Indian Penal Code.

The case of the prosecution in brief is that on 01.03.2020 at about 3.50 P.M. the informant came to know that the accused persons including the petitioner herein are trying to cut the maize ; in the field of the informant,



whereafter the informant had gone to the Sarpanch of the village who assured to mediate and settle the dispute. On the next day, i.e. 02.03.2020, when the informant had gone to the house of the Sarpanch in the morning, he got information that his father is being beaten by the accused person at his house, whereupon he returned back to his home and saw that the accused persons including the petitioner herein were assaulting the father of the informant, resulting in him sustaining grievous injuries and his subsequent death.

The learned counsel for the petitioner has submitted that the petitioner is innocent, has been falsely implicated in the present case and is having a clean antecedent. The learned counsel for the petitioner has submitted that a general and omnibus allegation has been levelled against the petitioner and there is no allegation of any sort of specific overt act, as against him.

Per contra, the learned APP appearing for the State, Shri Humayou Ahmad Khan, has vehemently opposed the prayer of the petitioner for grant of anticipatory bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the Ld. Counsel for the parties and taking into account the materials available on record and th



petitioner is also alleged to be a

participant in the assault of the father of the informant, which had led to grievous injuries being inflicted upon him and his subsequent death, apart from the fact that the learned court below in the impugned order dated 09.09.2020 has succinctly discussed the materials available in the case diary against the petitioner herein, which definitely points out towards the involvement of the petitioner in the alleged occurrence, this Court does not find the present case to be a fit case for grant of anticipatory bail to the petitioner, hence the present petition stands dismissed.

(Mohit Kumar Shah, J)

Tiwary/-

