

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2972 of 2021

Arising Out of PS. Case No.-67 Year-2019 Thana- WAZIRGANJ District- Gaya

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Upendra Kumar @ Upendra Kumar Verma, aged about 35 years (Male), Son
Of Vijay Prasad @ Vijay Kumar Verma, Resident Of Mohalla - Mali Gali
(WAZIRGANJ), P.S. - Wazirganj, District – Gaya.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Priya Ranjan, Advocate.
For the Opposite Party : Mr. A.G.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 20-07-2021 Learned counsel for the petitioner is directed to

remove the defects, as pointed out by the office, within a period

of four weeks from the date of restoration of normalcy.

Heard learned counsel for the petitioner and learned
A.P.P. for the State through Virtual mode.

The petitioner is apprehending his arrest in a case for
the offence registered under Sections 147, 148, 149, 302 and
120(B) of the I.P.C.

The prosecution story, in brief, is that on 03.03.2019
at about 6.00 P.M. in the evening, the uncle of the informant,
namely, Amod Kumar, was returning home after closing the
shop like every day. Similarly, at some distance the informant
alongwith his uncle Devendra Prasad and other co-villagers



were also returning back to their respective homes. Soon after when Amod Kumar reached near the house of Dr. Bipin Kumar, all the accused persons caught hold of him and soon after Nageshwar Prasad ordered to kill him. The co-accused Satendra Kumar and Manish Chaudhary attacked on him on the head with Pasuli in their hands. When Amod Kumar tried to flee away, all the accused persons held him tightly and Upendra Kumar @ Upendra Kumar Verma (petitioner) cut his neck. Soon after this occurrence, when the informant alongwith others present there raised their voices, all the accused persons fled away. Amod Kumar died on the spot. The cause behind the occurrence is past land dispute in between the family of the informant and the accused persons.

It has been submitted by learned counsel for the petitioner that the petitioner has falsely been implicated in the present case. There is no allegation of tampering with the witnesses alleged against the petitioner. The allegation of assault as alleged in the F.I.R. is denied by the petitioner. From perusal of the fardbeyan made by the informant, it appears that the informant is not an eye witness to the alleged occurrence. The alleged occurrence is said to have taken place on 03.03.2019 at 6.00 P.M. in the evening as to when the case was instituted on



04.03.2019 at 8.30 A.M. Delay has not been explained by the prosecution as to when the place of occurrence is hardly 1½ K.M. away from the concerned police station.

On behalf of the learned counsel for the State, it has been submitted that the petitioner is named in the F.I.R and there is specific allegation against of assault against him upon the deceased. The postmortem report also corroborates the allegation made in the F.I.R. The petitioner is an assailant.

Considering the aforesaid facts and circumstances of the case, I am not inclined to grant anticipatory bail to the petitioner. The same is rejected in connection with Wazirganj P.S. Case No. 67/2019, pending in the court of learned A.C.J.M.-Ist, Gaya.

If the petitioner surrenders in the learned court below and prays for regular bail the same shall be considered on its own merit without being prejudiced by the order of this Court.

(Sudhir Singh, J)

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