

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2095 of 2021**

Arising Out of PS. Case No.-239 Year-2020 Thana- BUXAR MUFFASIL District- Buxar

MUNNA PANDIT@INDRADEV PANDIT Son of Late Lala Pandit @ Late yadu Vansh Pandit @ late yaduvansh Pandey Resident of Village - Panditpur, P.S.- Buxar (Muffasil), Distt.- Buxar.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sarbottam Kumar Sarkar

For the Opposite Party/s : Mr. Jagdhar Prasad, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER**

4 29-11-2021 Heard learned counsel for the petitioner and the State.

The petitioner prays for grant of anticipatory bail in Buxar (Muffasil) P.S. Case No. 239 of 2020 registered for the offence punishable under Sections 341/323/307 and 504/34 of the Indian Penal Code.

As per the prosecution case, all the accused persons assaulted the deceased and, thereafter, the deceased died on the next day.

It is being submitted by learned Advocate for the petitioner that there is no specific allegation against this petitioner and, therefore, he deserves anticipatory bail. He also submits that the petitioner works as a Homeguard and on that day, he was on duty at a place 20 kilometers away from the



place of occurrence. He also submits that *postmortem* report does not corroborate the prosecution case.

Case Diary in the present case has been called for which has since been received.

There is no material in the case diary to support the fact that the petitioner was not present at the place of occurrence.

From perusal of the *postmortem* report, it appears that the deceased had sustained external bodily *anti-mortem* injury which has resulted into his death.

In view of the aforesaid, this is not a fit case for grant of anticipatory bail.

It is, accordingly, rejected.

(Sandeep Kumar, J)

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