

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6086 of 2021

Arising Out of PS. Case No.-353 Year-2019 Thana- BASANTPUR District- Siwan

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1. KRISHNA PRASAD @ KRISHNA SAH Son of Late Kabilash Prasad, Resident of Village-Mathia, Nauka Bazar, P.S.-Basantpur, District-Siwan.
 2. Lallu Sah @ Lal Babu Sah Son of Late Vishwnath Sah, Resident of Village-Mathia, Nauka Bazar, P.S.-Basantpur, District-Siwan.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ratneshwar Prasad

For the Opposite Party/s : Mr. Abhay Kumar

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

2 15-12-2021 Heard the learned counsel for the petitioners and the learned Additional Public Prosecutor for the State.

At the very outset, the learned counsel for the petitioners has submitted that the petitioner no. 2, Lallu Sah @ Lal Babu Sah, during the pendency of this anticipatory bail petition, has died.

As such, this petition with respect to the petitioner no.2 is dismissed as withdrawn.

The learned counsel for the petitioners is directed to remove all the defects pointed out by the office within one month.



So far as petitioner no. 1 is concerned, he apprehends his arrest in connection with Basantpur P.S. Case No. 353 of 2019 registered for offence punishable under sections 302, 120 (B), 34 of the Indian Penal Code and section 27 of the Arms Act.

As per *Fardbeyan*, 17 FIR named accused persons after hatching a conspiracy killed the son of the informant Ajit Kumar (deceased) by opening fire by the fire arms. It has also been alleged in the FIR that 15-20 days prior to the present occurrence, petitioner no. 2 (since deceased) had threatened the deceased Ajit Kumar to kill. The reason behind the occurrence is said to be land dispute between the parties.

The learned counsel for the petitioner has submitted that admittedly there is a land dispute in between the parties, which is the reason for false implication of the petitioner. He has also submitted that the allegation of causing death of the deceased by fire arms is not specific, rather general and omnibus in nature.

The FIR itself shows that there is a land dispute between the parties which appears to be motive of murder of the deceased.



Considering the above mentioned facts and circumstances, I do not think it a fit case for anticipatory bail. Accordingly, the prayer for anticipatory bail of petitioner no. 1 is hereby rejected.

Office shall ensure that all defects are removed by the petitioners within the stipulated time mentioned hereinabove, failing which, the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey , J)

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