

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79972 of 2019

Arising Out of PS. Case No.-220 Year-2019 Thana- KATEYA District- Gopalganj

SHESHNATH SAH @ SHESHNATH GUPTA Son of Vindhyachal Sah
Resident of Village - Harkha, P.S.- Kateya, District - Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gautam Kumar Kejriwal, Adv.
For the Opposite Party/s : Mr. Nirmala Kumari, APP

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 25-10-2021 Heard learned counsel for the petitioner and learned
APP for the State.

The instant application for anticipatory bail has been filed by the petitioner apprehending his arrest in connection with Kateya P.S. Case no. 220 of 2019 instituted for the offence under Sections 302/34 and 120B of the Indian Penal Code.

As per allegation in the FIR, petitioner along with other co-accused have assaulted the informant and his family members. Specific allegation against the petitioner is of assaulting on head to informant's old mother with an intention to kill her by means of *lathi-danda* resulting into her death.

Learned counsel appearing on behalf of the petitioner has submitted that petitioner is innocent and has committed no offence. He has got no criminal antecedent. There is admitted



land dispute between the parties.

Learned APP has opposed the prayer of bail.

Having heard learned counsel for the parties and going through the impugned order dated 6.8.2019 passed in ABP no. 1418/2019, it is evident that witnesses have supported the prosecution case, which is mentioned in para nos. 2, 6, 7, 18 and 40 of the case diary, this Court is not inclined to grant bail to the petitioner and, as such, his application for bail is rejected.

However, if the petitioner surrenders and prays for regular bail, the same shall be considered by the court below, without being prejudiced by this order of rejection.

(Sunil Kumar Panwar, J)

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