

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84328 of 2019

Arising Out of PS. Case No.-80 Year-2019 Thana- BEGUSARAI MUFFASIL District-
Begusarai

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1. KANHAIYA KUMAR Son of Late Lukho Sah, Resident of Village-
Khambhar, Ward No. 6, P.S.- Muffasil, District- Begusarai.
 2. Niraj Kumar Son of Late Lukho Sah, Resident of Village- Khambhar, Ward
No. 6, P.S.- Muffasil, District- Begusarai.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 77053 of 2019

Arising Out of PS. Case No.-80 Year-2019 Thana- BEGUSARAI MUFFASIL District-
Begusarai

DEEPAK KUMAR Son of Late Lukho Sah, Resident of Village-Khambhar,
Ward no.6, P.S.-Muffasil, District-Begusarai.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 84328 of 2019)

For the Petitioner/s : Mr.Sandip Kumar GautamAdv.

For the Opposite Party/s : Mr.Ganesh Prasad Singh, APP

(In CRIMINAL MISCELLANEOUS No. 77053 of 2019)

For the Petitioner/s : Mr.Sandip Kumar Gautam, Adv.

For the Opposite Party/s : Mr.Dr.Mrityunjaya Kr.Gautam, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

5 03-03-2021 Heard both sides.

Learned counsel for the petitioners seeks permission
to withdraw the anticipatory bail petitions filed on behalf of
Deepak Kumar (sole petitioner of Cr.Misc.No.77053 of 2019)



and Kanhaiya Kumar (petitioner no.1 of Cr.Misc.No.84328 of 2019), who surrendered in the court below and, therefore, he may be permitted to withdraw the anticipatory bail petitions filed on their behalf.

Prayer is allowed.

The anticipatory bail petitions filed on behalf of Deepak Kumar (sole petitioner of Cr.Misc.No.77053 of 2019) and Kanhaiya Kumar (petitioner no.1 of Cr.Misc.No.84328 of 2019) are dismissed as withdrawn.

Niraj Kumar (petitioner no.2 of Cr.Misc.No.84328 of 2019) apprehends his arrest in Muffasil P.S. Case No.80 of 2019 registered under Sections 302 and 34 of the Indian Penal Code.

The informant alleged that her father-in-law had some altercation with Deepak Kumar, Niraj Kumar, Kanhaiya Kumar, Lali Sah and Raj Kumar Sah on account of land dispute. The villagers pacified the quarrel but again on 13.02.2019 at about 1:00 pm all the accused persons entered into her house and asserted that the land belonged to them. Her father-in-law asked the accused persons to construct straight boundary wall otherwise he would not be able to go on the roof. The accused persons assaulted her father-in-law with bamboo and wooden stick and her father-in-law fell down on the ground after



becoming unconscious. On alarm raised by her, the villagers came and took her father-in-law to the hospital where the doctor declared him dead.

Learned counsel for petitioner no.2, namely, Niraj Kumar (in Cr.Misc.No.84328 of 2019) submits that the informant did not make any specific allegation of assault against the petitioner. Omnibus and general allegation is made. The doctor found the injury caused by hard and blunt substance. It is further submitted that during course of investigation, some of the witnesses disclosed that on account of fall of shuttering of stair on the deceased, the deceased got injury on his head but the informant and other witnesses have categorically stated that the petitioner and others indiscriminately assaulted the deceased with bamboo and wooden stick on his head.

Taking into consideration the facts aforesaid, I am not inclined to enlarge Niraj Kumar (petitioner no.2 of Cr.Misc.No.84328 of 2019) on anticipatory bail. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J)

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