

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10072 of 2022

Arising Out of PS. Case No.-297 Year-2021 Thana- RAJAPAKAR District- Vaishali

1. BIRCHANDRA SINGH @ VIRCHANDRA SINGH S/o Late Shivshankar Singh R/o village- Rajapakar South, P.S.- Rajapakar, District- Vaishali
2. Sunil Kumar S/o Late Shivshankar Singh R/o village- Rajapakar South, P.S.- Rajapakar, District- Vaishali
3. Jai Chandra Singh @ Jaichandra Kumar @ Milan S/o Late Shivshankar Singh R/o village- Rajapakar South, P.S.- Rajapakar, District- Vaishali
4. Shivchandra Singh S/o Late Kamal Singh R/o village- Rajapakar South, P.S.- Rajapakar, District- Vaishali

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sunil Kumar Singh

For the Opposite Party/s : Mr.Damodar Prasad Tiwary

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR

ORAL ORDER

3 01-11-2022 Heard learned counsel for the petitioners and learned

APP for the State.

The instant application for anticipatory bail has been filed by the petitioners apprehending their arrest in connection with Rajapakar P.S. Case no. 297 of 2021 instituted for the offence punishable under Sections 147, 341, 323, 302, 379 and 506 of the Indian Penal Code.

As per allegation in the FIR, while the informant's father, namely Kusheshwar Singh was returning after casting his vote from booth, near Durga temple, all FIR named accused persons surrounded him and started to assault him. Petitioner nos. 3 and 4 assaulted him with iron rod and petitioner nos. 1 and 2 assaulted him with lathi and danda. In the way to hospital, he



succumbed to injuries. It is further alleged that when his family members came there to rescue him, they were also beaten up by the accused persons.

Learned counsel appearing on behalf of the petitioners has submitted that petitioners are innocent and have committed no offence. General and omnibus allegations have been levelled against them. They have got no criminal antecedent. Informant is not an eye witness of the present incident.

Learned APP appearing for the State has vehemently opposed the prayer of bail and submitted that there is specific allegation of assault against these petitioners. The postmortem report which is annexed with the case diary, supports the prosecution story. Deceased have sustained several injuries and doctor has opined cause of death due to aforesaid injuries.

Having heard learned counsel for the parties and considering the fact that petitioners have assaulted the deceased brutally as a result of which he died, I am not inclined to grant bail to the petitioners and, as such, their application for bail is rejected.

(Sunil Kumar Panwar, J)

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