

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37384 of 2021

Arising Out of PS. Case No.-155 Year-2020 Thana- MATIHANI District- Begusarai

Becho Tanti @ Bechan Tanti Son of Late Naresh Tanti Resident of Village-
Pannapur, Ward No. 01, P.S.- Matihani, District- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bipin Kumar, Advocate

For the Opposite Party/s : Mr. Narsingh Tanti, APP

CORAM: HONOURABLE MR. JUSTICE A. M. BADAR

ORAL ORDER

3 07-01-2022 The applicant/accused in Crime No. 155 of 2020 registered with Matihani Police Station for the offences punishable under Sections 147, 148, 149, 323, 307, 302, 504 and 506 of the Indian Penal Code, by this application is seeking his release on bail during pendency of the trial.

Heard the learned counsel appearing for the applicant/accused. He submits that the co-accused has been released on bail. It is further argued that the case-diary is showing general and omnibus allegations against the accused persons to the effect that they all assaulted. The investigation is over and, therefore, the applicant is entitled for bail.

The learned Additional Public Prosecutor opposed the application by pointing out the report of the post mortem examination.



I have considered the submissions so advanced and also perused the materials placed before me.

Allegations against the applicant and the co-accused are to the effect that they had formed unlawful assembly and injured first informant Laxman Kumar and his brother. In prosecution of the common object of that unlawful assembly, it is further alleged that the accused persons including the present applicant had committed murder of the father of the first informant.

The FIR lodged by injured Laxman Kumar shows that his father Natho Tanti was assaulted by the present applicant as well as Krishnanand Tanti by means of an iron rod. Prima facie it is seen that the applicant is the main assailant and was one of the member of the unlawful assembly having common object. The report of the post mortem examination shows extensive wounds caused to Natho Tanti who died on the spot of the incident.

In the offence of like nature, though there is no necessity of ascribing specific role played by each and every individual, in the case in hand, the applicant is the main assailant who caused death of Natho Tanti by giving a fatal blow. **No case for grant of bail to the applicant/accused is**



made out and this application is, therefore, rejected.

The applicant to remove all office objections forthwith and the Registry to issue the certified copy of this order only after removal of office objections by the applicant/accused.

(A. M. Badar, J)

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