

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46006 of 2021

Arising Out of PS. Case No.-78 Year-2021 Thana- KUDRA District- Kaimur (Bhabua)

1. GANPAT BIND Son of Late Aganu Bind Resident of Village - Mathachak, P.S. - Kudra, District - Kaimur at Bhabua.
2. KASHI BIND Son of Ganpat Bind Resident of Village - Mathachak, P.S. - Kudra, District - Kaimur at Bhabua.
3. NAND LAL BIND Son of Ramu Bind Resident of Village - Mathachak, P.S. - Kudra, District - Kaimur at Bhabua.
4. RAHUL BIND Son of Ramu Bind Resident of Village - Mathachak, P.S. - Kudra, District - Kaimur at Bhabua.
5. HALCHAL BIND Son of Ramashankar Bind Resident of Village - Mathachak, P.S. - Kudra, District - Kaimur at Bhabua.
6. SHRAWAN BIND Son of Ramashankar Bind Resident of Village - Mathachak, P.S. - Kudra, District - Kaimur at Bhabua.
7. CHHANU BIND @ CHHANNU BIND Son of Ramsurat Bind Resident of Village - Mathachak, P.S. - Kudra, District - Kaimur at Bhabua.
8. NITISH BIND Son of Sudama Bind Resident of Village - Mathachak, P.S. - Kudra, District - Kaimur at Bhabua.
9. YOGENDRA BIND @ JOGINDRA BIND Son of Ramashankar Bind Resident of Village - Mathachak, P.S. - Kudra, District - Kaimur at Bhabua.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajani Kant Pandey
For the Opposite Party/s : Mr. J.N. Thakur

CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR PANDEY

ORAL ORDER

2 26-04-2022 Learned counsel for the petitioners is directed to remove all the defects pointed out by the Stamp Reporter within one month.

At the outset, learned counsel for the petitioners has submitted that petitioner nos. 2 and 8, namely, Kashi Bind and



Nitish Bind, respectively, have been declared juvenile and petitioner no.3 Nand Lal Bind has been arrested during the pendency of this anticipatory bail application, as such, the same has become infructuous. He, therefore, seeks permission to withdraw this application as against petitioner nos. 2, 3 and 8.

In view of the aforesaid submission, the application is dismissed as withdrawn as having become **infructuous as against petitioner nos. 2, 3 and 8.**

Petitioner nos. 1, 4, 5, 6, 7 and 9 apprehend their arrest for the offences alleged under Sections 147, 149, 341, 323, 325, 307, 504 and 506 of the Indian Penal Code and later on Section 302 IPC was added, registered in connection with Kudra P.S.Case No. 78 of 2021.

As per allegation, an altercation was going on between Ramashankar Bind and Basant Bind. Jagdish Bind, the deceased wanted to persuade them, whereupon FIR named accused persons, including the petitioners, badly assaulted him with *lathi*, iron rod and stones etc. The injured was firstly referred to Kudra for treatment wherefrom he was referred to Varanasi for better treatment. He died during the course of his treatment.

The learned counsel for petitioner nos. 1,4, 5, 6, 7 and



9 has submitted that the date of occurrence is 13.03.2021 and the deceased died on 06.04.2021 which is much later after the occurrence. After the death of the deceased, Section 302 of the IPC was added. He has also submitted that the petitioner nos. 2, 3 and 8 have no enmity with the deceased, as such, they had no intention to kill him.

There is allegation that the accused persons, including the petitioners, badly assaulted the deceased, who lost his life during the course of treatment.

In view of aforesaid, it is not a fit case for anticipatory bail. The prayer for bail on behalf of **petitioner nos. 1,4, 5, 6, 7 and 9 is hereby rejected.**

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

(Nawneet Kumar Pandey, J)

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