

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61073 of 2021

Arising Out of PS. Case No.-781 Year-2020 Thana- MAJHAULIA District- West Champaran

VIKASH KUMAR Son of Faudar Prasad @ Fauzdar Prasad Resident of
Village - Godha Semra, P.S. - Majhauria, District - West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sunil Kumar No.III

For the Opposite Party/s : Mr.Satyendra Narayan Singh

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 16-08-2022 Heard learned counsel for the parties.

The petitioner apprehends his arrest in a case registered for the offence under Sections 341, 323, 325, 307, 302 and 34 of the Indian Penal Code.

As per the prosecution case, the F.I.R. named accused persons including this petitioner are alleged to have assaulted grand father of informant by leg and fist. This petitioner is alleged to have assaulted informant's grandfather with bamboo, as a result of which, during course of treatment, he died.

It is submitted on behalf of petitioner that there is case and counter case and both sides are *pattidars*. Though, there is allegation of assault by five persons including petitioner, but no such corresponding injury has been found on the person of deceased. Similarly situated two co-accused have already been granted anticipatory bail.



However, learned A.P.P. for the State opposed the bail petition and submitted that there is specific allegation of assault against this petitioner, as a result of which, grandfather of the informant died. *Post-mortem* report also corroborates the allegation.

Considering the nature of accusation and *post-mortem* report of the deceased, the prayer for anticipatory bail of petitioner is rejected.

(Prabhat Kumar Singh, J)

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