

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66626 of 2021**

Arising Out of PS. Case No.-175 Year-2021 Thana- BAIKUNTHPUR District- Gopalganj

SHAILESH SAH @ SHAILESH KUMAR SAH S/o Shri Yogendra Sah
Resident of Gahmari, P.S.- Baikunthpur, District- Gopalganj

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Binod Kumar Sinha, Advocate

For the Opposite Party/s : Mr.Ramchandra Sahni, APP

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER**

2 19-07-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 302 and 34 of the Indian Penal Code.

Learned counsel for the petitioner submits that the petitioner is a person with clean antecedent and the informant alleges that on 09.06.2021 in marriage of Baijnath Sah's daughter, the guests had come and were staying in the middle school and were playing obscene songs on which the son of the informant objected and asked the accused to stop the songs on which it is alleged that all the accused persons assaulted him and dashed him on the ground and the petitioner stabbed the victim on his hip and accordingly, he was taken to Sadar



Hospital from where he was referred to Gorakhpur but he died on the way near Tamkum.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case, the allegation of assault, even presuming to be true without admitting, is on non-vital part of the body as such it cannot be alleged that the petitioner had any intention to kill the deceased, it is next submitted that from tenor of the allegation it appears that the informant is not an eyewitness to the occurrence.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner and submits that there is a specific and direct allegation against this petitioner of stabbing the son of the informant leading to his death and from perusal of the allegation as alleged in the FIR it would manifest that the informant had seen the occurrence.

Considering the submissions made by the learned A.P.P. for the State, the Court is not inclined to extend the privilege of anticipatory bail to the petitioner.

His prayer for anticipatory bail is hereby rejected.

(Satyavrat Verma, J)

Rishi/-

U		T	
---	--	---	--

