

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.42553 of 2024**

Arising Out of PS. Case No.-335 Year-2023 Thana- SINGHESHWAR District- Madhepura

ABHAY SUTIHAR @ ABHAY SHARMA S/O UPENDRA SUTIHAR R/O  
VILLAGE- SIRSIA, WARD NO.-03, P.S- SINGHESHWAR, DISTT.-  
MADHEPURA.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

**Appearance :**

|                    |   |                                  |
|--------------------|---|----------------------------------|
| For the Petitioner | : | Mr. Ranjay Kumar Singh, Advocate |
| For the State      | : | Mr. Shantanu Kumar, APP          |
| For the Informant  | : | Ms. Rabia Gulnaz, Advocate       |

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH**  
**ORAL ORDER**

3      13-09-2024                      Heard learned counsels for the parties.

2. The petitioner apprehends his arrest in a case registered for the offence punishable under Sections 341, 323, 302, 504 and 34 of the Indian Penal Code.

3. As per prosecution case, on 16.11.2023 at about 11-12 o'clock in the daytime, the she goat of informant's elder brother, namely Pawan Sutihar, entered into field of co-accused Upendra Sutihar. It is alleged that for the aforesaid reason, all the accused persons named in the F.I.R., including this petitioner, and five unknown persons, abused Pawan Sutihar and brutally assaulted him, as a result of which he died on the spot.

4. It is submitted by learned counsel appearing on behalf of the petitioner that due to petty dispute, a simple *maar-*



*peet* took place between the parties. Allegations of assault is general and omnibus. In the inquest report, no external injury was found on the body of the deceased. As a matter of fact, the deceased died due to natural ailment. There is no accusation of any overt act against this petitioner. Petitioner claims clean antecedents.

5. On the other hand, learned A.P.P. for the State and learned counsel appearing on behalf of the informant have vehemently opposed the prayer for grant of anticipatory bail to the petitioner and submitted that petitioner is named in the F.I.R. and there is specific accusation that this petitioner, along with other accused persons named in the F.I.R., assaulted elder brother of informant, as a result of which he died. In the *post mortem* report, cause of death has been found as strangulation.

6. Considering the aforesaid facts and circumstances and nature of accusation, the prayer for grant of anticipatory bail to the petitioners is rejected.

**(Prabhat Kumar Singh, J)**

shashank/-

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