

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.16646 of 2015

Arising Out of PS.Case No. -5 Year- 2015 Thana -CHARIABARIYARPUR District- BEGUSARAI

1. Mahendra Chaurasia Son of Sri Jathu Mahto
2. Alok Chaurasia @ Alok Son of Mahendra Chaurasia
Both resident of village - Sanjat, Police Station - Bhagawanpur, in the
district of Begusarai

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance:

For the Petitioner/s : Mr. Akhileshwar Pd. Singh, Sr.Advocate.

For the Opposite Party/s : Mr. B. Ram (APP)

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 06-07-2015 Heard both sides.

The petitioners apprehend their arrest in a case under
Section 302 and other sections of the Indian Penal Code.

The uncle of the deceased disclosed that Ganga Ram
Sahni had gone to pick up woods in village Sanjat, Kari Sahni
came and disclosed that Mahendra Chaurasia, Alok Chaurasia (the
petitioners) and Kailash Chaurasia took Ganga Ram Sahni to their
village. Ganga Ram Sahni became traceless. The dead body of
Ganga Ram Sahni was found by the side of a river and then the
case was lodged.

Sri Akhileshwar Prasad Singh, learned Senior
Counsel for the petitioners, has submitted that the boy committed
theft but there is no eye witness of the occurrence. It is submitted

that the boy was handed over to the Sarpanch for taking action vide Annexure-2. It is submitted that during the course of investigation, the witnesses in Para 52 and 53 of the case diary have disclosed that the boy was inside the house of the petitioners and he went outside the house on the pretext of urination but he fled away.

From the evidence, it appears that the petitioners caught the boy and brought him to their house. Annexure-2, on behalf of the petitioners, shows that the boy was handed over to the Sarpanch by the petitioners but the witnesses have stated that the boy had fled way from the house of the petitioners. From perusal of the post-mortem report, it appears that the deceased got injuries on his body including the injury on head, and on account of the injuries, he died and his dead body was found by the side of the river.

Considering the facts aforesaid, I am not inclined to enlarge the above named petitioner on anticipatory bail in Cheria Bariarpur P.S. Case No. 05/2015. Accordingly, the same is rejected.

The petitioners are directed to surrender in the court below within four weeks from the date of receipt / production of a copy of this order and make prayer for regular bail. The court

below shall consider the prayer for regular bail of the petitioners
on its own merit, without being prejudiced from this order.

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(Prabhat Kumar Jha, J)