

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.19771 of 2015

Arising Out of PS.Case No. -3 Year- 2015 Thana -PUSA District- SAMASTIPUR

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1. Chandeshwar Das son of Sri Ram Khelawan Das
 2. Maheshwar Das son of Sri Ram Khelawan Das
 3. Mukesh Kumar son of Chandeshwar Das
 4. Rakesh Kumar son of Chandeshwar Das

All are resident of Village- Malikaur, P.S.- Pusa, District- Samastipur.

.... Petitioners.

Versus

1. The State of Bihar

.... Opposite Party.

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Appearance :

For the Petitioner/s : Mr. Malay Kumar Choudhary, Advocate.

For the Opposite Party/s : Dr. Indihar Kumari (A.P.P.)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA

ORAL ORDER

2 25-06-2015

Heard learned counsel for the petitioners and learned counsel for the State.

Petitioners apprehend their arrest in connection with Pusa P.S. Case No. 03/15 registered for the offences punishable under Sections 341, 323, 307, 302/34 of the Indian Penal Code.

Allegedly the petitioners and others F.I.R. named accused persons being armed with Lathi, Danda and Iron rod started abusing the informant and claimed to take possession on Bathan which was objected by the father of the informant and then on the order of F.I.R. named accused persons the petitioners started assaulting with Lathi and Iron rod to the father of the informant and to rescue him the informant also sustained injury

and thereafter the accused persons fled away saying that Chandra Bhushan died and subsequently during treatment the father of the informant succumbed to the injuries.

Submission is of false implication and that during post-mortem, swelling and fracture of bone has been found and as such it cannot be said that the father of the informant sustained injury due to assault committed by the petitioners by Lathi and Iron rod rather it may be accidental to which the learned A.P.P. opposes.

In the facts and circumstances stated above, considering that in the F.I.R. the petitioners are named to have assaulted the father of the informant by Lathi and Iron rod and injuries have been found during post-mortem also and as such this Court is not inclined to grant them privilege of pre-arrest bail.

Accordingly, prayer for pre-arrest bail of petitioners above named stands rejected.

(Jitendra Mohan Sharma, J.)

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