

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31455 of 2015

Arising Out of PS.Case No. -91 Year- 2014 Thana -KALYANPUR District- SAMASTIPUR

- =====
1. Bisheshwar Rai Son of Ghuran Rai,
 2. Rajo Devi, Wife of Bisheshwar Rai,
 3. Fultor Devi @ Fultori Devi, Wife of Rambabu Rai, All are resident of village - Gobarsitha, P.s. - Kalyanpur, District - Samastipur.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Abhay Shankar Singh, Advocate.

For the Opposite Party : Mr. Bharat Lal (App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 15-10-2015 Heard both sides.

The petitioners apprehend their arrest in registered for the offences punishable under Section 302 and other Sections of the Indian Penal Code.

The informant, brother-in-law of the deceased named the petitioners along with other accused persons and alleged that Rambabu Rai, Bisheshwar Rai and wife of Bisheshwar Rai assaulted his brother-in-law Ramdeo Rai with spade. Ramdeo Rai died during the course of treatment.

Learned counsel for the petitioners submits that the informant is not an eye witness of the occurrence. During the course of investigation, the witnesses in paragraph 6, 7, 8, 9 and

10 have stated that Rambabu Rai assaulted Ramdeo Rai. The petitioners are father, mother and sister-in-law of the deceased.

On perusal of the case diary, it appears that Ramdeo Rai the deceased was assaulted inside his house, his wife was also with him. But for the reasons best known to the investigating officer, he did not take the statement of the wife of the deceased. The deceased got injury inside his house.

Considering the facts aforesaid, I am not inclined to enlarge the petitioners above named on anticipatory bail. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J.)

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