

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46505 of 2014

Arising Out of PS.Case No. -329 Year- 2006 Thana -NARPATGANJ District- ARRARIA

- =====
1. Zubair @ Zubair Alam Son of Abdul Barik @ Barik
 2. Shoyeb @ Soyeb Ala Son of Abdul Barik @ Barik
- Resident of Village - Gokhala pur, P.S. - Narapat ganj, District - Araria.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nadimul Hasan

For the Opposite Party/s : Mr. Sanjay Kumar(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

05/ 04-08-2015

Heard learned counsels for the petitioners
and the State.

The petitioners are apprehending their
arrest in a case registered for the offences punishable under
Sections 302 and 328/34 of the Indian Penal Code.

The prosecution case is that the son of the
informant Md. Eqbal was married with the sister of the
petitioners about six years prior to the occurrence. Subsequently,
the relationship went strained and the victim performed second
marriage. On 01.12.2005 co-accused Sanjay Rikideo and Tulsi
Paswan took the son of the informant to the house of the
petitioners on the call of Abdul Barik, the father of the

petitioners and next day the dead body of the victim was recovered. The FSL report of the viscera reflects the presence of Aluminium Phosphide, a pesticide, commercially known as 'Celphos'. It was suspected by the informant that due to the strained relationship the petitioners, their father and family members got the victim killed.

It is submitted by learned counsel for the petitioners that admittedly there is no eye witness to the occurrence and no external injury particularly resisting injury was found during post-mortem, hence, on mere suspicion the accusation has been levelled.

Considering the nature of accusation and the fact that the case is instituted in 2006, this Court is not inclined to grant anticipatory bail to the petitioners in connection with Narpatganj P.S. Case No. 329 of 2006 pending in the court of learned Judicial Magistrate, Ist Class, Araria.

Accordingly, the prayer for anticipatory bail of the petitioners is rejected.

(Dinesh Kumar Singh, J)

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