

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49223 of 2014

Arising Out of PS.Case No. -92 Year- 2014 Thana -NAUHATTA District- SAHARSA

- =====
1. Md. Sultan Son of Late Nemul
2. Salman Son of Md. Sultan Both resident of village+P.S.-Nauhatta,
District - Sahrsa.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pramod Mishra
For the Opposite Party/s : Mr. Narendra Kr. Singh(App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

2. 03-04-2015. Heard both sides.

The petitioners apprehend their arrest in a case under
sections 302/34 of the I.P.C

The informant made allegation that his nephew Md.
Zunaid Alam went to pacify the matter but in the meantime,
Md.Yusuf, his son Md. Hakikat, Md. Sulltan (petitioner no.1)
and his son Salman (petitioner no.2) began to assault him with
sticks and iron rods and consequently, Md. Zunail Alam got
injury and died.

It is submitted that the FIR was lodged after 9 days of
the occurrence. There is no specific allegation of assault against
the petitioners. No intention was on the part of the petitioners to
kill Md. Zunaid Alam and co-accused persons have already been
granted bail.

Considering the facts that there is allegation against the
petitioners and others that they have assaulted the deceased, I am

not inclined to enlarge the petitioners on anticipatory bail and accordingly, the same is rejected.

The petitioners are directed to surrender in the court below and the court below shall consider the prayer for regular bail of the petitioners taking into consideration that similarly situated co-accused against whom also there is allegation of assault, have already been enlarge on bail.

(Prabhat Kumar Jha, J)

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