

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25176 of 2015

Arising Out of PS.Case No. -48 Year- 2014 Thana -PANAPUR District- SARAN

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1. Amrendra Kuar
2. Jitendra Kuar Both S/o Prithvi Nath Kuar R/o Village Chakiya, P.S.
Panapur, District Saran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Krishna Kant Singh

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

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR

JHA

ORAL ORDER

4. 09-10-2015 Heard both sides.

The petitioners apprehend their arrest in Panapur P.S.
Case No. 48/2014, registered for the offences punishable under
Section 302 and other sections of the Indian Penal Code and
Section 27 of the Arms Act.

The petitioners are named in the F.I.R and the informant
alleged that firstly Nagendra Kuar assaulted Arvind Kuar with
tangi on his head. Thereafter, all the accused persons
indiscriminately, started assaulting in which Harendra Kuar
assaulted Samudra Kuar with tangi. Pappu Kuar came to save
them, but Amrendra Kuar assaulted him with Pharsa. Awadhesh
Kumar Singh and Pramod Kumar Singh are alleged to have
assaulted Arvind Kuar and Samudra Kuar.

Learned Counsel for the petitioner submits that Samudra Kuar died much prior to the date of occurrence. Pramod Kuar did not receive any injury, only Arvind Kuar got injury and he died.

There is no specific allegation of assault against the petitioners. Anticipatory bail petition of Dilip Kuar has been allowed vide order dated 07.10.2015 passed in Cr. Misc. No. 27836/2015. But at the same time the prayer of Nagendra Kuar was rejected by the same order. The case of petitioners stands on similar footing as that of the Dilip Kuar, but on perusal of FIR it appears that Nagendra Kuar is alleged to have firstly assaulted Arvind Kuar. Thereafter, all the accused persons are alleged to have assaulted Arvind Kuar. From the injury report and postmortem report, it appears that Arvind Kuar got three injuries. Anticipatory bail petition of similarly situated co-accused Amrendra Kuar and others and Harendra Kuar and others have been rejected.

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

(Prabhat Kumar Jha, J.)

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