

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.30134 of 2015**

Arising Out of PS.Case No. -14 Year- 2015 Thana -ASHOK PAPER MILL District- DARBHANGA  
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- 1.Ajay Das @ Chulhai Das s/o Asharfi Das  
2.Haridev Das s/o Brihaspati Das  
3. Arjun Das s/o Rameshwar Das  
4. Ram Chandra Das @ Chhedi Das s/o Bindeshwar Das.

All are resident of village- Marwanpur, P.S. Ashok Paper Mill, District- Darbhanga.

.... .... Petitioner/s

Versus

The State of Bihar

.... .... Opposite Party/s  
=====

**Appearance :**

For the Petitioner/s : Mr. Anjani Kumar Sinha

For the Opposite Party/s : Mr. Mustaque Alam(App)

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**CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH**  
**ORAL ORDER**

2      30-07-2015

Heard learned counsel for the petitioners and the State.

The petitioners are apprehending their arrest in Ashok Paper Mill P.S.Case No.14/2015 instituted under Section 302 and other allied Sections of the Indian Penal Code, pending in the court of C.J.,M., Darbhanga.

It is alleged by the informant that while his son was going to village Sahora to bring medicine for cattle and one Gavan Kumar Choudhary and Sushil Kumar Choudhary of village Basaha also accompanied him and when they reached at village Mahanpur Tatmatoli, the petitioners and other accused persons obstructed for going and caused hurt with lathi danda, as a result of which son of the informant became injured and the aforesaid two persons informed him and then the informant along with his villagers went there and brought his son to his house and got him

treated and was referred to PMCH and during treatment he died.

On behalf of the petitioners, it has been submitted that the petitioners have got no criminal antecedent. Further, it is submitted that against seven persons, general and omnibus allegation has been made of assaulting the deceased with lathies. From perusal of Post Mortem Report it appears that there are only two injuries and injury no.2 is simple in nature. It is further submitted that Post Mortem Report do not support the allegation made in the FIR.

On behalf of the State, it has been submitted that the petitioners are named in the FIR. There is allegation of assaulting the deceased causing injury upon the deceased.

Considering the aforesaid facts, I am not inclined to grant anticipatory bail to the petitioners and the same is rejected.

However, if the petitioners surrender in the court below and pray for regular bail, same shall considered on its own merit without being prejudiced by this order of rejection and taking into consideration that Post Mortem Report do not support the allegation as made in the FIR..

**(Sudhir Singh, J)**

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