

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34206 of 2015

Arising Out of PS.Case No. -66 Year- 2015 Thana -AGAMKUAN District- PATNA

1. Govind Saw S/o Late Jawahir Saw
2. Vikkey Saw @ Vicky Kumar S/o Late Jawahir Saw Both are Resident of Village Chhoti Pahari, P.S. Agam Kuan, District Patna.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Kumar Sinha

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

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

3 15-10-2015 Heard both sides.

The petitioners apprehend their arrest in a case under
Section 302/34 of the Indian Penal Code.

The informant, brother of the deceased, disclosed that
his brother had gone to the house of Gautam Halwai to demand his
wages but he came to know that Gautam Halwai and his two
brothers assaulted him with sharp edged weapon and his brother
was under treatment in NMCH.

It is submitted that learned Additional Sessions Judge
has stated that in paragraphs 17 and 18 of case diary there is direct
evidence against the petitioners but from perusal of paragraphs 17
and 18 of the case diary, it would appear that Gayatri Devi and

Munchun Kumar have named Gautam Halwai but did not name the petitioners. It is submitted that the occurrence took place near Sri Ram Communication, which is situated near the house of deceased, but from perusal of the case diary it appears that witnesses Ramanand Mahto, Lalmuni Devi, father, mother, Sarita Devi and Savita Devi have stated that Gautam Halwai and his two brothers came on a motor cycle and assaulted Chhotu with sharp edged weapon.

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

The petitioners, if so advised, may surrender in the court below, i.e., learned A.C.J.M., Patna City in Agam Kuan P. S. case No. 66/2015, and pray for regular bail. The court below shall consider the prayer for regular bail of the petitioners without being prejudiced from the order of this court.

(Prabhat Kumar Jha, J)

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