

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.18071 of 2016

Arising Out of PS.Case No. -164 Year- 2015 Thana -BIKRAM District- PATNA

1. Rita Devi W/o Brajesh Singh
2. Sima Devi D/o Brajesh Singh Both resident of Village- Nisarpura, P.S.- Bikram, Dist- Patna.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

with

Criminal Miscellaneous No.19480 of 2016

Arising Out of PS.Case No. -164 Year- 2015 Thana -BIKRAM District- PATNA

1. Brajesh Singh @ Brajesh Sharma S/o Late Ramadhar Singh.
2. Abhishek Kumar S/O Brajesh Singh @ Brajesh Sharma Both Resident of Village- Nisarpura, P.S.- Bikram, Dist- Patna.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

Appearance :

(In Cr.Misc. No.18071 of 2016)

For the Petitioners : Mr. Pramod Kumar Singh, Advocate.

For the Opposite Party : Mr. A.Haque Sahara(App)

(In Cr.Misc. No.19480 of 2016)

For the Petitioners : Mr. Pramod Kumar Singh, Advocate.

For the Opposite Party : Ms. Asha Devi(App)

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

7 26-10-2016 Heard both sides.

The petitioners apprehend their arrest in Bikram P.S. Case No. 164 of 2015 registered for the offences punishable under Section 302 and other Sections of the Indian Penal Code.

The father of the deceased alleged that on account of land

dispute his own brother Brajesh Singh and his family members brutally assaulted his son Luvkush Kumar and killed him on the spot.

Shri Pramod Kumar Singh, learned counsel for the petitioners submits that the informant and his family members are not eye witness of the occurrence and the allegation of assault is omnibus and general. It is further submitted that the post-mortem report does not support the ocular version of the informant but from perusal of the case diary, it appears that besides the family members of the deceased there are two eye witness of the occurrence, namely Sanjay Sharma and Niraj Kumar, who have stated that on alarm they went to the place of occurrence and saw Brajesh Singh and his family members including the petitioners were assaulting Luvkush Kumar and on account of such assault the deceased died. There is corresponding injuries all over the body of the deceased. The inquest report also shows that the deceased died on account of assault.

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

(Prabhat Kumar Jha, J.)

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