

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37936 of 2016

Arising Out of PS.Case No. -89 Year- 2016 Thana -BHAWANIPUR District- PURNIA

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1. Bipin Singh Son of Late Lakhan Prasad Singh
2. Babul Kumar Singh alias Babul Singh Both residents of Village-
Karmanchak, P.S.- Bhawanipur, District- Purnea.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Dr. Sanjay Kumar Singh

For the Opposite Party/s : Mr. Sri Manoj Kumar - 1

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

4 21-10-2016

Heard both sides.

The petitioners apprehend their arrest in Bhawanipur
(Balua O.P) P.S. case No. 89/2016 under Section 302/34 of the
Indian Penal Code.

The widow of the deceased alleged that her husband
supported Soni Singh in Panchayat election and Soni Singh won
the election. In the night of 15.05.2016 at about 2.30 A.M. the
accused persons, including the petitioners, took her husband from
his house in Bahiyar and assaulted him with sharp edged weapons.
On alarm, the informant and others went there and found her
husband writhing in pain. Her husband disclosed the name of the
petitioners.

Sri Kanhaiya Prasad Singh, the learned senior counsel for the petitioners, submits that contents of the FIR are not at all believable. The hands and legs of the deceased were amputated. The deceased got injuries on his head. The deceased might have died much prior by way of profused bleeding. The deceased was not in a condition to make any statement. The petitioners have falsely been implicated in the case due to previous enmity but from perusal of the case diary, it appears that almost all the witnesses have stated that on alarm they went to the place of occurrence. The deceased was brought to the house on a cot in injured condition and he disclosed the name of petitioners and others as his assailants. The witnesses have also claimed to have identified the petitioners and other accused persons.

Considering the nature of allegations made against the petitioners, I am not inclined to enlarge the petitioners on anticipatory bail. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J)

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