

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.50375 of 2016

Arising Out of PS.Case No. -94 Year- 2016 Thana -PATAHI District-
EASTCHAMPARAN(MOTIHARI)

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1. Samarjeet Mestar son of Shiv Kumar Mehatar @ Baiju Mehatar
2. Shiv Kumar Mehatar @ Baiju Mestar son of Late Ram Chandra Mehatar
Both residents of village - Jihuli, Police Station - Patahi, District - East
Champaran.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar, Advocate

For the Opposite Party/s : Smt. Meena Singh, APP

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 24-11-2016 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners are apprehending their arrest in Patahi
P.S. case No.94 of 2016 registered under Sections 341, 324, 307
and 302/34 of the Indian Penal Code, pending before the court of
Additional Chief Judicial Magistrate 8th, Motihari, East
Champaran.

Allegation is that the accused persons including the
petitioners assaulted the husband of the informant by means of
iron rod, lathi and Fasuli, due to which he sustained head injury.
Then he was taken to the Hospital. In course of treatment he died.

It has been submitted on behalf of the petitioners that

the petitioners have got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioners. The petitioners have falsely been implicated in the present case. It is a case and counter case between the parties. The informant side had tried to commit rape upon the co-accused Rina Devi and in retaliation to the same the present occurrence is said to have taken place.

On behalf of the State, it is submitted that the petitioners are named in the F.I.R. Specific allegation of murder has been made against the petitioners. The postmortem report also corroborates with the allegations made in the F.I.R.

Considering the aforesaid facts and circumstances, I am not inclined to extend the privilege of anticipatory bail to the petitioners. Prayer for anticipatory bail is rejected.

Anyhow if the petitioners surrender in the court below within a period of six weeks from today, the same shall be considered on its own merit without being prejudiced by this order.

(Sudhir Singh, J)

Narendra/-

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