

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.57005 of 2015

Arising Out of PS.Case No. -219 Year- 2015 Thana -BARACHATTI District- GAYA

1. Md. Murshid, Son of Md. Shafi Alam
2. Md. Mushib, Son of Shafi Alam
Both resident of Village- Humajaan, P.S.- Pratap Pur, District- Chatra
(Jharkhand).

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioners : Mr. Dudheshwar Singh, Advocate
For the State : Mr. Pranav Kumar (App)
For the informant : Mr. Kalan Shankar, Advocate

CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN
ORAL ORDER

7 29-04-2016

Heard learned counsel for the petitioners, the State
as well as the informant.

Petitioners apprehend their arrest in a case filed
under Sections 326, 307 and 34 of the Indian Penal Code.

It is contended on behalf of the petitioners that
F.I.R. has been lodged against the unknown persons and
petitioners' name have appeared after two months of occurrence
and they do not have any criminal antecedent.

However, learned counsel for the State as well as
the informant have submitted that in fact the statement of the
victim boy could not be taken earlier due to the reason that he was

not able to speak in view of the serious nature of injury for which he was being treated and, thereafter, was referred even to the P.M.C.H. It is contended that the moment the boy recovered, he had given his statement also. Apart from the above it would appear from the orders dated 26.02.2016 and 29.02.2016 passed by a co-ordinate Bench of this Court that investigation was not proceeding properly and day-to-day case diary was not being written by the police authority. Learned counsel for the informant submits that there may be fault on the part of the police but for that petitioners should not be rewarded to move scot-free.

Be that as it may, having regards to the facts and circumstances of the case and the serious nature of injury inflicted upon the vital part of the victim boy i.e., on the neck of the boy who was treated and, thereafter, his statement has also been recorded by the police in which he has taken the name of the petitioners for assaulting him as at the time of occurrence their veils dropped and he was able to recognize them, this Court is not inclined to grant anticipatory bail to the petitioners.

Accordingly, this application is dismissed.

Sanjay-II/-

(Dr. Ravi Ranjan, J)

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