

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.41872 of 2016

Arising Out of PS.Case No. -32 Year- 2016 Thana -MEHANDIA District- JEHANABAD

1. Sadhu Rajbanshi, S/o Late Samudar Rajbanshi.
2. Santosh Rajbanshi, S/o Sadhu Rajbanshi. Both resident of Village-
Ismylpur P.S.- Mehandia, Distt.- Arwal.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioners : Mr. Ajay Kumar, Advocate.

For the Opposite Party : Mr. Rajeev Nayan, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 25-11-2016 Heard learned counsel for the petitioners and learned
counsel for the State.

The petitioners are apprehending their arrest in connection with Mehandia P.S. Case No. 32 of 2016 (Arwal District) for the offences instituted under Sections 147, 149, 341, 323, 307, 379 and 504 of the IPC. Later on, Section 302 IPC was also added.

The accusation against the petitioners and others is of causing injury to the informant's father and brother Dukhan Rajbanshi. The informant's father succumbed to his injury caused at the hands of the petitioners.

It has been submitted on behalf of the petitioners that the

petitioners have got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioners. They have falsely been implicated in the present case. The date of occurrence is 15.04.2016. FIR was instituted on 17.04.2016. The delay has not been explained by the prosecution. General and omnibus allegation has been made against the petitioners.

On behalf of the State, it has been submitted that the petitioners are named in the F.I.R. There is specific allegation against the petitioners and two others i.e., wife and daughter of petitioner no. 1 for assaulting the deceased with hard and blunt substance. The postmortem report also corroborates the allegation made in the FIR.

Considering the aforesaid facts and circumstances, I am not inclined to grant anticipatory bail to the petitioners. The same is rejected in connection with Mehandia P.S. Case No. 32/2016 (Arwal District), pending in the court of learned C.J.M., Arwal. Anyhow, if the petitioners surrender in the court below the same shall be considered on its own merit without being prejudiced by the order of this Court.

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(Sudhir Singh, J)