

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.50768 of 2016

Arising Out of PS.Case No. -344 Year- 2016 Thana -MARHAURA District- SARAN

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1. Parsuram Rai.
 2. Shivji Rai, both are sons of Late Ram Pravesh Rai,
 3. Awadhesh Rai, son of Shivji Rai, All are resident of Village- Bardahiya Tola- Piparpati, P.S.- Marhowrah, Distt- Saran.

.... Petitioners

Versus

1. The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Singh

For the Opposite Party/s : Mr. Ahtash Ali Khan

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 25-11-2016 Learned counsel for the petitioners is permitted to make necessary corrections in para-1 of the petition.

Heard learned counsel for the petitioners and learned counsel appearing on behalf of the State.

The petitioners are apprehending their arrest in connection with Marhowrah P.S. Case No. 344 of 2016 for the offences instituted under Sections 447, 341, 323, 337, 325, 307, 302 and 504/34 of the Indian Penal Code.

The prosecution case, in brief, is that while the informant was making way for flowing water after cutting earth, in the meantime, the petitioners having armed with lathi and iron rod came there and started hurling abuses and assaulting him and



when the deceased and the father of the informant protested, they were also assaulted by the petitioners by lathi and iron rod, due to which, the deceased fell down and became unconscious and when the informant, his uncle and mother tried to save the deceased, they were also assaulted by the aforesaid petitioners as well as Rita Devi and Lalita Devi, after throwing bricks causing injury to the informant. Thereafter the deceased died in course of treatment.

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. They have falsely been implicated in the present case. General and omnibus allegation has been made against the petitioners. As per postmortem report, only one external injury has been found on the body of the deceased. There is admitted land dispute between the parties. It is a case and counter case between the parties. In course of occurrence, the injuries found upon the petitioner no.1 and 2 have not been explained by the prosecution.

On behalf of the State, it has been submitted that the petitioners are named in the F.I.R. and they are actively participated in the assault.

Considering the aforesaid facts and circumstances, I am not inclined to extend the privilege of anticipatory bail to the petitioners. The same is rejected in connection with Marhowrah P.S. Case No. 344 of 2016, pending in the court of learned A.C.J.M.-II, Saran at Chapra.

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, taking into the account the submissions made on behalf of the petitioners.

(Sudhir Singh, J.)

Amit/-

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