

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30973 of 2016

Arising Out of PS.Case No. -428 Year- 2007 Thana -AHIAPUR District- MUZAFFARPUR

1. Fida Hussain
2. Md. Ali Hussain both sons of Late Abdul Gafur both residents of village-
Muradpur Dullah, P.S. - Ahiyapur, Dist. - Muzaffarpur

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mahendra Thakur

For the Opposite Party/s : Mr. Sri Umeshnand Pandit

CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

2 10-08-2016 Heard the counsel for the petitioners and the State.

The petitioners are named as accuseds in Ahiyapur P.S.
Case No. 428 of 2007 registered on 03.11.2007 under sections 328
and 302/34 IPC. They seek anticipatory bail.

The son of the deceased lodged the case alleging that on the
relevant date and time these petitioners came on his Darwaza and
took his father along with them. Few minutes later, they brought
the body of his father in senseless condition and placed on the
Darwaza. The victim was rushed to the hospital where he died.
The allegation is that they murdered the father of the informant
due to previous animosity. In the post mortem report, the body
was found containing celphos.

It has been submitted that earlier to this a case was filed against the family of the informant by petitioner no.2 under section 307 which is still pending. The allegation made against the petitioners does not stand to reason. The victim was a drunkard.

Counsel for the State opposed the prayer and submitted that petitioners are accused of serious offence. The medical report supports the allegation of administering the poisonous material to the victim.

The case was lodged in 2007 and the prayer for anticipatory bail is being made in 2016. The delay in doing so is an additional ground to decline the relief besides the allegation the petitioners face.

Dismissed.

(Kishore Kumar Mandal, J)

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