

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26814 of 2016

Arising Out of PS.Case No. -187 Year- 2015 Thana -BACHWARA District- BEGUSARAI

1. Guddu Mian @ Guddu Miyan
2. Sonu Mian @ Sonu Miayan
3. Pappu Mian @ Pappu Miayan
All S/o Matin Mian @ Matin Miyan, Resident of Village - Bahrampur Tola,
Maskan Dargah, Police Station Bachhwara, District - Begusarai.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

With

Criminal Miscellaneous No.28834 of 2016

Arising Out of PS. Case No. -187 Year- 2015 Thana -BACHWARA District- BEGUSARAI

Md. Matin @ Md. Matin Mia @ Matin Miyan, son of Late Abdul Rashid,
resident of Village - Bahrampur Tola, Maskan Dargah, Police Station -
Bachhwara, District- Begusarai.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance:

(In Cr. Misc. No.26814 of 2016)

For the Petitioner/s : Mr. Sanjay Kumar, Advocate.
For the Opposite Party/s : Mr. Amrendra Prasad, A.P.P.

(In Cr. Misc. No.28834 of 2016)

For the Petitioner/s : Mr. Sanjay Kumar, Advocate.
For the Opposite Party/s : Mr. Narendra Kumar Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 01-09-2016 Heard both sides.

The petitioners of Cr. Misc. No. 26814/2016, namely,
Guddu Mian @ Guddu Miyan, Sonu Mian @ Sonu Miayan, Pappu
Mian @ Pappu Miayan, and the petitioner of Cr. Misc. No.
28834/2016, namely, Md. Matin @ Md. Matin Mia @ Matin

Miyan apprehend their arrest in Bachhwara P.S. Case No. 187 of 2015 registered under Sections 328, 302, 34 of the Indian Penal Code.

The informant alleged that on 15.10.2015 his son Bajrangi Kumar Singh made a call from his Mobile No. 7050011778 and informed him that Matin Master and his sons had caught him and administered poison and his condition was deteriorating. The informant went there and took his son to the hospital. Learned counsel for the petitioners submits that the petitioners are innocent and have not committed any offence. The son of the informant was in love with the sister of the petitioners and daughter of Matin Miyan and he himself consumed poison. Even the informant in his further statement stated that Guddu Miyan, one of the petitioners, informed the informant that his son Bajrangi was lying on the road. The police after investigation submitted final form finding the case false against the petitioner but the learned Chief Judicial Magistrate took cognizance after differing with the finding of the investigating officer. The police did not take out Call Details Report to find out any call was made by the deceased to his father.

It appears from perusal of the records that the informant made specific allegation that his son Bajrangi Kumar

Singh disclosed that Matin Master and his sons caught him and administered poison. There is no allegation against any other members of the family. The deceased died due to poisoning. It appears that the deceased made his oral dying declaration to his father on his phone and made specific allegation against the petitioners that they administered poison to him.

Considering the facts aforesaid, I am not inclined to enlarge the above named petitioners on anticipatory bail in Bachhwara P.S. Case No. 187 of 2015. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J)

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