

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.17333 of 2016

Arising Out of PS.Case No. -104 Year- 2012 Thana -GOH District- AURANGABAD

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1. Heera Singh @ Meera Singh @ Hira Kumar
2. Panna Singh
3. Chandan Singh @ Chandan Kumar, All sons of Bharat Singh, resident of Village- Chata, P.S. Goh, District- Aurangabad.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Anamul Haque, Advocate.

For the Opposite Party : Mr. Dilip Kumar (App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

5 11-08-2016 Heard both sides.

The petitioners apprehend their arrest in Goh P.S. Case No. 104 of 2012 registered for the offences punishable under Sections 302, 201 and 34 of the Indian Penal Code.

The chowkidar lodged the case after recovery of the dead body and disclosed that on enquiry it was revealed that the petitioner and others assaulted Suresh Singh and killed him only because the deceased had sold the buffalo of Arjun Singh.

Learned counsel for the petitioner submits that there is no eye witness of the occurrence. The wife of the deceased is said to be accompanying her husband, but statement of the wife of the deceased has not been taken. During the course of investigation

the witnesses in paragraph 5, 6 and 7 have stated that the petitioners and others dragged the deceased towards Badhar and assaulted him, but nobody either informed the police or any villagers.

On the other hand, learned APP vehemently opposed the prayer for anticipatory bail of the petitioners and submitted that due to heavy rain the witnesses could not come out from their houses, but they saw the petitioners dragging the deceased and assaulting him. The dead body was found in the field where the deceased was being dragged. The post-mortem report also shows that the deceased got many injuries.

Considering the facts aforesaid and the fact that many witnesses have saw that the petitioners dragged the deceased towards the field and assaulted him where the dead body of the deceased was found, I am not inclined to enlarge the petitioners above named on anticipatory bail in Goh P.S. Case No. 104 of 2012, pending in the court of Sub-Divisional Judicial Magistrate, Daudnagar, Aurangabd. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J.)

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