

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40872 of 2016

Arising Out of PS.Case No. -107 Year- 2016 Thana -NAUHATTA District- SAHARSA

- =====
1. Roshini Tuddu S/o Rajeshwar Tuddu
 2. Churki Devi W/o Rajeshwar Tuddu
 3. Prabhu Prakash Hembram S/o Dhaneshwar Hembram All R/o Village-
Naya Nagar, P.S.- Santhali Tola, P.S.- Nauhatta, District- Saharsa.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Arun Kumar Sinha, Advocate

For the Opposite Party : Mr. Anuj Kumar Srivastava, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR
ORAL ORDER

5 12-04-2017

Heard.

The petitioners are in custody in connection with Nauhatta P.S.Case No.107 of 2016 pending in the Court of ACJM-III, Saharsa registered for an offence under Section 302/34 of the IPC.

The informant in his fardbeyan has stated that on 23.06.2016 his son went outside the house by his bicycle and on the following day, the dead body of the boy was recovered from the house of the petitioners.

Counsel for the petitioners submits that there is no eye witness to the occurrence. The allegation against these petitioners are general and omnibus and they have been implicated



merely on suspicion. He further submits that the deceased was a drunkard and he died on account of taking excessive wine. The death of the deceased could not be ascertained by the doctor and so the viscera has been preserved for chemical examination.

The learned APP on the other hand submits that the deceased was found dead in the courtyard of the petitioners who are the son and mother. The deceased had sustained injuries on his person. The witnesses have also supported the allegation of causing injuries on the person of the deceased. The witnesses have further stated that the petitioners were present in the courtyard where he was done to death. He further submits that the case of petitioners are on different footing and the anticipatory bail of co-accused Shyam Pasi was allowed with certain condition that in course of investigation, the police did not find any material against the co-accused Shyam Pasi who was recommended to be exonerated.

Considering the specific allegation of assault against the petitioners who were present at the time of occurrence, I am not inclined to release the above named two petitioners on bail. Prayer for bail of the petitioners is rejected.

(Sanjay Kumar, J)

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