

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28748 of 2017

Arising Out of PS.Case No. -9 Year- 2017 Thana -TELHARA District- NALANDA
(BIHARSHARIFF)

=====

1. Anil Chauhan Son of Late Sheetal Chauhan
2. Rita Devi wife of Anil Chauhan
3. Raja Kumar @ Raja Babu Son of Anil Chauhan
4. Rohit Kumar Son of Anil Chauhan
5. Surjkant Kumar @ Suryakant Kumar Son of Rameshwar Chauhan
All residents of village - Ikaspur, Police Station - Telhara, District - Nalanda.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Sharan Kumar, Sr. Advocate with
Mr. Dinesh Maharaj, Advocate
For the State : Mr. Navin Kumar Pandey, APP
For the Informant : Mr. Shyamal Prakash, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 10-08-2017

Heard learned counsel for the petitioners, learned A.P.P.
for the State and learned counsel for the informant, who has *suo motu*
appeared.

2. As the petitioner no. 1 is no more alive, the application



on his behalf has become infructuous.

3. The petitioners apprehend arrest in connection with Telhara P.S. Case No. 9 of 2017 dated 29.01.2017 instituted under Sections 341/323/308/325/504/34 of the Indian Penal Code to which later on Section 302 of the Indian Penal Code was also added.

4. The allegation against the petitioners is of assault, especially on Badri Chauhan, husband of the informant, who later on also succumbed to his injuries.

5. Learned counsel for the petitioners submitted that the incident is of 26.01.2017 but the F.I.R. has been lodged on 29.01.2017, i.e., after delay of 3 days, for which there is no believable explanation. It was submitted that the dispute, as would be clear from the *fardbeyan* itself, started between the children. It was further submitted that even the medical report of the deceased initially reveals that he was examined on 29.01.2017 i.e., after 3 days of the alleged occurrence for which also there is no explanation. Learned counsel submitted that the petitioners no. 2 to 5 have no criminal antecedent.

6. Learned A.P.P. and learned counsel for the informant submitted that the daughter of the informant had initially also given a *fardbeyan* to the police but she is not aware of what happened of that and more importantly on the next date of occurrence i.e., 27.01.2017,



before the *Sarpanch*, the accused had agreed to bear the entire medical expenses of the husband of the informant but later on when they did not live up to their commitment, the informant was forced to lodge an F.I.R. and further that the deceased succumbed to his injuries on 04.02.2017. Learned counsel submitted that even the injury report discloses that it was caused due to hard blunt substance and the postmortem reveals that there was lacerated wound on the said part and the cause of death was shock due to haemorrhage.

7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the Court is not inclined to enlarge the petitioners on anticipatory bail.

8. The application, accordingly, stands dismissed.

(Ahsanuddin Amanullah, J)

Anjani/-

AFR/NAFR	
U	
T	

