

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.54067 of 2016

Arising Out of PS.Case No. -113 Year- 2015 Thana -BELHAR District- BANKA

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1. Nand Lal Tanti, S/o Rajendra Tanti,
2. Naresh Tanti, S/o Rajendra Tanti,
3. Janardan Tanti @ Janardhan Tanti, S/o Rajendra Tanti, All resident of
village - Nawadih, P.S. Belhar, District – Banka Petitioners
Versus

The State of Bihar Opposite Party

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Appearance :

For the Petitioners : Mr. Ajay Mukherjee, Advocate
For the Opposite Party : Mr. Sri Tapeswar Sharma (APP)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 19-01-2017 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioners apprehend their arrest in connection
with Belhar P.S. Case No. 113 of 2015, registered for the offence
punishable under Section 302/34 of the Indian Penal Code.

Allegedly, the petitioners and their father started
abusing and assaulting the father of the informant and caused his
death by strangulating him.

Submission is of false implication and that the
prosecution story appears not probable and reliable, post mortem
report does not support the prosecution version as no external
injury has been found on the person of the deceased, cause of
death has not been ascertained and opinion was kept reserved till
the report from Forensic Science Laboratory. As alleged the
occurrence has taken place at the spur of moment and there was no



intention to commit murder. The father of the petitioners has been allowed regular bail by this court on these grounds and, as such, the petitioners also deserve sympathetic consideration.

The learned A.P.P. submits that there is allegation against the petitioners and their father who have killed the father of the informant and during investigation the witnesses have also supported the same.

In the facts and circumstances as stated above, considering the allegation attributed against the petitioners, I am not inclined to grant privilege of pre-arrest to them and accordingly their such prayer stands rejected in connection with Belhar P.S. Case No. 113 of 2015, pending in the Court of learned Sub-Divisional Judicial Magistrate, Banka.

However, in case and if so advised the petitioners surrender and seek regular bail then his prayer for regular bail shall be considered preferably on its own merits without being prejudiced by the order of this Court.

(Jitendra Mohan Sharma, J.)

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