

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.40938 of 2015**

Arising Out of PS.Case No. -168 Year- 2014 Thana -MASRAKH District- SARAN

=====

1. Sanju Singh S/o Late Rameshwar Singh  
2. Chandan Singh S/o Dehi Singh Both are Resident of Village Chand Barwa, P.S. Mashrak, District Saran.

.... .... Petitioner/s

Versus

1. The State of Bihar

.... .... Opposite Party/s

=====

**Appearance :**

For the Petitioner/s : Mr. Mukesh Kumar Singh

For the Opposite Party/s : Mr. Anil Kumar (APP)

=====

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR**  
**JHA**  
**ORAL ORDER**

6      09-01-2017                      Heard both sides.

The petitioners apprehend their arrest in Masrakh P.S. case No. 168 of 2014 under Section 302/34 of the Indian Penal Code.

The informant, wife of the deceased, named the petitioners along with five other accused persons and alleged that they all took her husband on the pretext of participating in a birth day party but her husband did not return. The informant went to enquire from Manoj Singh but Manoj Singh disclosed that he did not know the whereabouts of her husband. The informant alleged that she heard sound of groaning of her husband and when she opened the door of house of Manoj Singh, her husband was found



lying injured inside the house of Manoj Singh. She raised alarm then villagers came and took her husband to hospital but on way to hospital her husband died.

The learned counsel for the petitioners submits that petitioners are, of course, named in the FIR but there is no eye witness of the occurrence. During the course of investigation, in paragraph 32, 33 and 36 of the case diary witnesses, Nurul Hoda, Amruddin and Tarik Anwar disclosed that Hansraj Singh, husband of the informant, fell down from the auto rickshaw and got injuries. The Superintendent of Police in his supervision directed the I.O. to submit charge sheet under Section 304 and other Sections of the IPC.

It appears that the petitioners and others took the husband of the informant with them to participate in a birth day party but he did not return and when the informant went to enquire Manoj Singh did not disclose the fact but later on, after opening the door of the house of Manoj Singh, the husband of informant was found inside the house and blood was oozing out from his head. During the course of investigation, witnesses have also stated that petitioners took the husband of informant along with them. The husband of the informant died on account of injuries found on his head and on similar facts regular bail of the accused



Bhushan Singh was rejected but later on after remaining substantial period of time in jail Bhushan Singh was granted bail.

Considering the facts aforesaid, I am not inclined to enlarge the petitioners on anticipatory bail. Accordingly, the same is rejected.

**(Prabhat Kumar Jha, J)**

BKS/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

