

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.3930 of 2017**

Arising Out of PS.Case No. -280 Year- 2016 Thana -KUDHNI District- MUZAFFARPUR

- =====
1. Ganesh Kumar S/o Gangajal Mahto
  2. Amarjeet Kumar S/o Jaymangal Mahto
  3. Parmod Kumar S/o Jaymangal Mahto
  4. Mukesh Kumar S/o Bhonu Mahto All Resident of vill.- Mankauli, P.S.-  
Kuarhni, Dist.- Muzaffarpur,

.... .... Petitioner/s

Versus

The State of Bihar

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

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**Appearance :**

For the Petitioner/s : Mr. Sunil Kumar Pandey

For the Opposite Party/s : Mr. Sri Tarun Prasad Mandal

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN  
SHARMA**

ORAL ORDER

4      16-03-2017                      Heard the learned counsel for the petitioners, the  
  
learned A.P.P. for the State as also the learned counsel for the  
  
Informant.

In this application for anticipatory bail the petitioners  
apprehend their arrest in connection with Kuarhni (O.P. Phakuli)  
P.S. Case No. 280 of 2016 for the offences punishable under  
sections 302 and 120 (B)/34 of the I.P.C.

Allegedly, the petitioners came at the house of the  
informant and took away Vikash Kumar, the son of the informant,  
to take bath in the river and thereafter Vikash Kumar was killed  
and his dead body was thrown in the water and when the



informant went there he saw the dead body and further the petitioners fleeing away. The police came and sent the dead body for postmortem. As the informant was not well and his second son was out of the station and as such in lodging the FIR some delay has been caused.

Submission is of false implication and that the occurrence is of 20.09.2016, whereas, FIR has been recorded on 22.09.2016 after two days of the occurrence, except the informant no one has stated that the petitioners were seen fleeing away from the place of occurrence, so many persons have gone to take bath in the river but no one has supported the allegation and as such the petitioners deserve sympathetic consideration.

The learned A.P.P. duly assisted by the learned counsel for the informant opposes prayer for pre-arrest bail of the petitioners by submitting that the informant in his further statement and further other witnesses vide paragraph-55 of the case diary has also stated that the accused persons went with Vikash Kumar to take bath in the river. It is submitted that the petitioners have administered CELPHOS mixed with alcoholic beverages to the deceased and in the F.S.L. report Ethyl Alcohol along with Aluminium Phosphide has been detected in the viscera.

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 bail to them and accordingly their such prayer stands rejected in connection with the aforementioned case pending in the court of Shri Manish Pandey, J.M. 1<sup>st</sup> Class, Muzaffarpur.

**(Jitendra Mohan Sharma, J)**

Abhay/-

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