

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 23315 of 2017

Arising Out of PS.Case No. -353 Year- 2016 Thana -NATHNAGAR District- BHAGALPUR

- =====
1. Sonu Kumar @ Premraj, S/o Bhola Mandal @ Bholi Mandal.
 2. Pintu Kumar, S/o Bhola Mandal @ Bholi Mandal, Both are Resident of Village- Biharipur, P.S. Madhusudanpur, District- Bhagalpur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Krishna Prasad Singh, Sr. Advocate
Mrs. Meena Singh, Advocate
For the State : Mr. Nirmala Kumari, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 06-07-2017

Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners apprehend arrest in Nathnagar
(Madhusudanpur) P.S. Case No. 353 of 2016 dated 29.11.2016
instituted under Sections 302/34 of the Indian Penal Code and 27 of
the Arms Act.

3. The allegation against the petitioners and their father
is of having shot dead the husband of the informant.

4. Learned counsel for the petitioners submitted that the
body of the deceased was recovered and there are no witnesses to the



occurrence and only on surmises and conjectures, they have been made accused. Learned counsel submitted that even the allegation of threat made to the deceased is against only petitioner no. 1. Learned counsel submitted that the petitioners are students and studying in the town of Bhagalpur and are not connected with the said incident and that in fact, the deceased himself was a muscleman and had enmity with many persons and thus, the crime could have been committed by one of those persons. Learned counsel submitted that the allegation by the informant, who is the wife of the deceased, is based on some hot talk and altercation between the deceased and the petitioners and that too one month before the occurrence.

5. Learned A.P.P., on the basis of materials in the case diary, submitted that the witnesses have stated that the deceased had gone to the house of the petitioners and had fired for which an F.I.R. was also lodged and thus, there was strong enmity between the parties and in such background, the complicity of the petitioners cannot be ruled out. It was further submitted that as a starting point, investigation having begun and the petitioners being made accused cannot be said to be unwarranted. It was submitted that the superior police officer in his supervision has also found substance with regard to the petitioners being made accused for the crime.

6. Considering 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.

7. Accordingly, the application stands dismissed.

8. Interim order dated 08.06.2017 stands vacated.

(Ahsanuddin Amanullah, J.)

P. Kumar

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