

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47917 of 2017

Arising Out of PS.Case No. -51 Year- 2017 Thana -HASANPUR District- SAMASTIPUR

=====

1. Braj Kishore Singh @ Pappu Dealer,
2. Chandra Kishore Singh Both Sons of Late Gopal Sharan Singh, Both the
R/o Village- Atapur, P.S.- Hasanpur, District- Samastipur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Birendra Kumar Singh

For the Opposite Party/s : Mr. Smt. Nirmala Kumari

=====

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 17-10-2017

Heard learned counsel for the petitioners and the State.

The petitioners apprehend arrest in Hasanpur P.S. Case No. 51 of 2017 instituted for the offence under Sections-302/34 of the Indian Penal Code.

As per allegation in the written report, there is specific allegation against these petitioners of assaulting son of the informant in the marriage party. It is further alleged that at 2.30 a.m. these petitioners along with three other accused persons and some unknown persons again came on the door of the informant and started hurling abuses and they also dragged the brother of the informant Pradeep Kumar Singh who was sleeping near the door. It is further alleged that on noise, Sushil Kumar Singh also came to settle the matter but both petitioners gave threat to kill him and thereafter, assaulted with Khanti upon his head as a result, he sustained injury and later on succumbed to



death in course of taking him to Sadar Hospital, Samastipur.

Counsel for the petitioners has submitted that one of the co-accused has been granted anticipatory bail by coordinate bench of this court vide order dated 22-09-2017 passed in Cr. Misc. No. 34430 of 2017. The court finds that coordinate bench of the court has observed that there is specific allegation of assault against one Kunal Kumar.

But no person Kunal Kumar is made accused in the FIR.

In the written report, there is specific allegation against these petitioners of assaulting Sushil Kumar Singh with Khanti. Therefore, this court is not inclined to grant anticipatory bail to the petitioners. Accordingly, prayer for anticipatory bail is rejected.

The petitioners are directed to surrender in the court below and seek regular bail which will be considered on its own merit without being prejudiced by this order.

(Sanjay Priya, J)

A.K.V./-

U		T	
---	--	---	--

