

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.30934 of 2016

Arising Out of PS.Case No. -59 Year- 2011 Thana -COACH District- GAYA

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1. Devendra Kumar, Son of pundeo Sharma.
2. Mukesh Sharma, Son of Ram Kishore Sharma. Both are residents of village - Murera, Police Station-Konch, In the district of Gaya.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Raj Kumar, Advocate.

For the Opposite Party : Mrs. Renu Kumari, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 02-03-2017 Heard learned counsel for the petitioners and learned counsel for the State.

The petitioners are apprehending their arrest in connection with Konch P.S. Case No. 59 of 2011 for the offences instituted under Sections 302/34 of the IPC.

The prosecution story, in brief, is that the petitioners informed the S.H.O. of Konch Police Station that the accused of Konch P.S. Case No. 56 of 2011 which was lodged by petitioner no. 1, is lying near the Banyan tree in unconscious state. Thereafter the S.H.O. after entry *Sanha*, proceeded and found that one person is lying in injured position. The doctor declared him dead. On information, the family member of the deceased had not



come, then the dead body was sent for postmortem.

It has been submitted on behalf of the petitioners that the petitioners have got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioners. They have falsely been implicated in the present case. Except for suspicion, there is no other substantive evidence to suggest their implication in the present case.

On behalf of the State, it has been submitted that the petitioners are named in the F.I.R. As the deceased had thrown acid on the daughter of petitioner no. 1, hence in retaliation, he was done to death by the accused persons. The said fact has been supported from paragraph no. 35 of the case diary.

Considering the aforesaid facts and circumstances, I am not inclined to grant anticipatory bail to the petitioner. The same is rejected in connection with Konch P.S. Case No. 59 of 2011, pending in the court of learned C.J.M. Gaya. Anyhow, if the petitioners surrender in the court below, the same shall be considered on its own merit without being prejudiced by the order of this Court.

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(Sudhir Singh, J)

