

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.59204 of 2017

Arising Out of PS.Case No. -654 Year- 2017 Thana -FORBESGANJ District- ARRARIA

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1. Bidyanand Tatma, S/o Late Janak Lal Tatma.
2. Santosh Tatma, S/o Sri Bidyanand Tatma,
Both are resident of Village- Lahsanganj, Ward No. 1, P.S.- Simraha, Distt.-
Araria.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vijay Kumar Sinha, Advocate
For the Opposite Party/s : Mr. Surendra Prasad Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 07-02-2018 Heard learned counsel for the petitioners and the

State.

The petitioners apprehend their arrest in **Farbisganj**
(Simraha) P.S. Case No. 654 of 2017 instituted for the offence
under Section 302 and 34 of the Indian Penal Code.

It is alleged in the First Information Report that on the
date of occurrence accused persons namely Narayan Tatma and
Vidya Nand Paswan (petitioners) took away brother of the
informant namely, Amod Choudhary from his residence and on
the same day in the night Arjun Paswan informed the informant
that his brother is being assaulted by accused persons. The
informant with 10-15 persons went to the place of occurrence and



saw that accused persons and others as named in the written report were assaulting the brother of informant with *lathi, danda, bricks* on his both arms, legs and also on *testicles*. The blood was coming out from nostril and other parts of body of injured. The informant was brought to referral hospital, Forbesganj, where he died during course of treatment.

Learned counsel for the petitioners has submitted that Arjun Paswan who is said to have informed the informant about the occurrence has not taken the name of these petitioners in his statement recorded under Section 164 Cr. P.C. It has further been submitted that it has come in the supervision note that Bidyanand Tatma and Narayan Tatma were not allowing the dead body to be removed from the place of occurrence.

Learned counsels for the informant and A.P.P. have submitted that Arjun Paswan has given his statement under Section 161 Cr. P.C. before the police wherein he has taken the name of these petitioners. In his statement recorded under Section 164 Cr. P.C. he has stated that brother of the informant Amod Choudhary was killed by the petitioners and others.

The post mortem report is available in the case diary which shows that the deceased has sustained several injuries on various part of the body, which supports the allegation made in the



written report.

Therefore, this Court is not inclined to grant anticipatory bail to the petitioners.

Prayer for anticipatory bail of the petitioners stands rejected.

Petitioners may surrender before the court below and make prayer for regular bail which shall be considered by the court below in accordance with law without being prejudiced by this order.

(Sanjay Priya, J)

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