

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48 of 2018

Arising Out of P.S.Case No. -279 Year- 2017 Thana -ARARIA District- ARRARIA

- =====
1. Abdul Taubal @ Abdul Tauab @ Md. Tauab @ Tawab S/o Late Sikandar
 2. Shakir Hussain @ Sakir Son of Tobab
 3. Firoza Khatoon Wife of Safique All residents of village Dumra Ward No. 10, P.S. Bousi, District - Araria.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Mukesh Kumar Rana, Advocate
For the Opposite Party : Mr. Akhileshwar Dayal, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR
ORAL ORDER

3 01-02-2018 Heard.

The petitioners apprehend arrest in connection with Araria P.S.Case No.279 of 2017 pending in the Court of CJM, Araria registered for an offence under Section 302/34 of the IPC.

The informant is sister of the deceased. The petitioners before this Court is father, brother and Bhabhi of the informant. The allegation as per fardbeyan is that these petitioners and other FIR named accused brutally assaulted the deceased by means of iron rod and Phatha. The informant intervened to save her sister whereupon the accused persons assaulted her also. On the alarm of deceased, the nearby people assembled and thereafter all the accused persons fled away from the place of occurrence. I further



find that the allegation of assault is specific against all the petitioners and allegation is that her brother had purchased a tractor after taking money from the deceased and the family members in order to take her property had assaulted the deceased by rod resultantly the deceased died. This fact find support from the statement of the witnesses recorded in the case diary.

However, learned APP opposed the submissions.

Considering the specific allegation of assault by all the accused persons, I am not inclined to grant anticipatory bail to any of the petitioners. The prayer for anticipatory bail is rejected.

(Sanjay Kumar, J)

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