

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.60364 of 2017

Arising Out of PS. Case No.-23 Year-2017 Thana- FATEHPUR District- Gaya

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1. Gauri Rajvanshi, S/o Kesho Rajvanshi , R/o Village- Bara Baijada, P.S.- Fatehpur, District- Gaya.
 2. Jai Ram Rajvanshi S/o Late Baleshwar Rajvanshi, R/o Village- Chantara, P.S.- Meskaur, District- Nawada.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Shailesh Kumar

For the Opposite Party/s : Mr. SRI SANJAY KUMAR PANDEY

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA

ORAL ORDER

3 23-01-2018 Heard learned counsel for the petitioners and learned APP
for the State.

The petitioners apprehend their arrest in connection with Fatehpur P. S. Case No. 23 of 2017 registered for the offences punishable under Sections 302, 201/34 of the Indian Penal Code.

Allegedly, the petitioner no. 1 told the father of the informant to put paddy in howler and the petitioner no. 2 stated the father of the informant to put the paddy speedily in the howler and in that occurrence hand of the father of the informant was trapped in the howler causing serious injury to his head and hand and then the petitioners and co-accused Kishan Mistry threw the father of the informant in Paen and did not provide treatment, resulting the father of the informant



succumbed to the injuries.

Submission is of false implication and that the petitioners have got no concern, as a matter of fact the father of the informant received injuries accidentally. During investigation vide paragraph 16 and 17 of the case diary it has come that the father of the informant was wrapping scrap and he wanted to see the rice and in that process his scarp was trapped in the howler and thereafter, his body was trapped, resulting, he received serious injuries and died.

Learned APP opposes the prayer of pre-arrest bail by submitting that in those paragraphs of the case diary it has also come that the petitioners and co-accused threw the dead body of the informant in Paen.

In the facts and circumstances stated above, this Court is not inclined to grant privilege of pre-arrest bail to the petitioners and accordingly, their such prayer stands rejected.

However, in case and if so advised, the petitioners surrender and seek regular bail, then their prayer of regular bail shall be considered on its own merit without being prejudiced by the present order.

(Jitendra Mohan Sharma, J)

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