

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16406 of 2019

Arising Out of PS. Case No.-142 Year-2018 Thana- KALYANPUR District- Samastipur

1. Munchun Rai Son of Laxman Rai, Resident of Village - Kishanpur, P.S.- Warishnagar, Distt - Samastipur.
2. Arun Rai Son of Late Gulali Rai, Resident of Village - Bankipur, P.S.- Kalyanpur, Distt- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Choudhary Shyam Nandan, Advocate

For the Opposite Party/s : Mr. B.N. Pandey, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 15-03-2019 Heard both sides.

The petitioners apprehend their arrest in Kalyanpur P.S. Case No.142 of 2018 registered under Sections 302 and 34 of the Indian Penal Code.

The informant alleged that the deceased had earlier executed a sale deed in the name of his wife and for that his nephew Arun Rai and Munchun Rai were quarreling with Ram Briksh Das and the informant. On the date of occurrence, Munchun Rai and Arun Rai (petitioners) came at a temple where Ram Briksh Das used to worship and assaulted the informant, his wife and Ram Briksh Das. On account of assault, Ram Briksh Das died on the spot.



Learned counsel for the petitioners submits that the informant himself filed petition before the Chief Judicial Magistrate that while he was being assaulted, Ram Briksh Das came to save him but Ram Briksh Das fell down and got injury on his head. Consequently Ram Briksh Das died but I find that there is specific allegation that both the petitioners assaulted Ram Briksh Das only because he transferred his land in favour of the wife of the informant and Ram Briksh Das died on the spot on account of injuries sustained on his head.

Having considered the facts aforesaid, I am not inclined to enlarge the petitioners on anticipatory bail. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J)

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