

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21753 of 2019

Arising Out of PS. Case No.-77 Year-2016 Thana- BIHRA District- Saharsa

1. Munjan Devi W/o Ashish Kumar, Resident of Village- Nandlali, P.S.- Bihra, District- Saharsa.
2. Kiran Devi W/o Sarlu Yadav @ Jai Prakash Yadav, Resident of Village- Nandlali, P.S.- Bihra, District- Saharsa.
3. Munni Devi W/o Gautam Kumar, Resident of Village- Nandlali, P.S.- Bihra, District- Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shiva Shankar Sharma
For the Opposite Party/s : Mr.Madhuri Lata

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 10-07-2019 Heard learned counsel for the petitioners, learned counsel for the informant and learned A.P.P. for the State.

Petitioners apprehend their arrest in Bihra P.S. Case No.77 of 2016 registered under Sections 341, 325, 307, 504, 506 and 34 of the IPC. Later on section 302 of the IPC was added.

Learned counsel for the petitioners submits that the prayer for bail of the petitioners was earlier rejected by order dated 24.11.2016 passed in Cr.Misc. No.45603 of 2016. It is submitted that after investigation the police submitted final form finding the accusation against the petitioner false but the learned



Chief Judicial Magistrate also took cognizance against the petitioners under Section 302 and other sections of the IPC. Therefore, the petitioners again moved this Court on the ground that the Investigating Officer found the case false against the petitioners.

Learned counsel for the informant submitted that the police submitted first report on 05.12.2017 and found the case true against all the accused persons and kept the investigation pending and submitted charge sheet against Golu Kumar @ Labh Kumar but later on, the police in spite of ample materials available on record that the petitioners also assaulted the deceased and the injuries were found on different parts of body of the deceased, submitted final form finding the accusation against the petitioners false, but on submission of such final form, the learned Chief Judicial Magistrate after perusal of materials available on record took cognizance. Therefore, the petitioners do not deserve anticipatory bail.

Perused the record. It appears that the petitioners are alleged to have assaulted the informant with different weapons on vital parts of his body. The doctor after postmortem examination found stitch wound on the forehead and other injuries above right eye, left eye and nose. Bruises were found



on the chest and the deceased succumbed to the aforesaid injuries. In the first report dated 05.12.2017 the Investigating Officer also found the case true against the petitioners but kept the investigation pending for the reasons best known to the Investigating Officer. Later on, the Investigating Officer submitted final form on 15.02.2018 finding the accusation false against the petitioners without collecting any new materials. On submission of such final form, the learned Chief Judicial Magistrate after perusal of the materials available on record took cognizance against the petitioners.

Taking into consideration the facts aforesaid, I find that there is specific allegation that the petitioners assaulted the deceased on his vital parts causing his death and there is no new ground for reconsideration of prayer for bail of the petitioners. Accordingly, the prayer for anticipatory bail of the petitioners is rejected.

(Prabhat Kumar Jha, J)

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