

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40714 of 2019

Arising Out of PS. Case No.-87 Year-2018 Thana- GADHPURA District- Begusarai

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1. JAI JAI RAM MUKHIYA Son of Fulo Mukhiya Resident of Village- Katari P.S. Garpur District- Begusarai.
 2. Kari Mukhiya Son of Fulo Mukhiya Resident of Village- Katari P.S. Garpur District- Begusarai.
 3. AShok Mukhiya Son of Fulo Mukhiya Resident of Village- Katari P.S. Garpur District- Begusarai.
 4. Suraj Mukhiya @ Suraj Kumar Son of Jai Jai Ram Mukhiya Resident of Village- Katari P.S. Garpur District- Begusarai.
 5. Birju Mukhiya Son of Jai Jai Ram Mukhiya Resident of Village- Katari P.S. Garpur District- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Arvind Kumar Singh
For the Informant	:	Mr. Ajay Kumar Sinha
For the State	:	Mr.Umeshanand Pandit, APP

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

6 16-11-2019 Heard learned counsel for the petitioners and learned
APP for the State.

2. It appears from the record that this application as
against petitioner no.5 has already been dismissed as infructuous.

3. The petitioner nos. 1 to 4 apprehend their arrest for
the offences alleged under Sections 364, 341, 323, 307 and 34
of the Indian Penal Code, registered in connection with Garpura
P.S.Case No. 87 of 2018.

4. It is submitted that the petitioner nos. 1 to 4 have



been falsely implicated in connection with the assault on the informant's son, who subsequently died. It is submitted that there is ordinate delay in lodging of the written report on 18.08.2018 for the alleged occurrence of 12.08.2018 and the FIR has subsequently been registered after further delay of two days on 20.08.2018 and such delay casts a serious doubt about the veracity of the accusation. It is submitted that the accusation of assault attributed to the petitioners variously with iron rod and bricks is not corroborated in absence of any external injury found on the deadbody of the deceased. It is stated that petitioners are not connected in any way with the alleged offence and the deceased may have been assaulted by some other person as he had love affair with the granddaughter of co-accused Fulo Mukhiya. It is further submitted that there is nothing on record to support the claim of the informant that the deceased was brought to Happy Hospital at Rosera prior to being taken to Global hospital at Begusarai. It is therefore submitted that the petitioners are not connected with the alleged occurrence and the date of occurrence itself is in doubt.

5. Learned APP assisted by the learned counsel for the informant appears and opposes the petition. It is submitted that the post mortem report of the deceased discloses external



injury in lumber region.

6. Perusal of paragraph 29 of the case diary containing the inquest report does not disclose any external injury but assigned the cause of death from internal injury. The post mortem report indicates lacerated liver and left kidney, opining that the death was due to haemorrhage and shock as a result of injuries caused by hard and blunt substance. Bruise with abrasions on left lumber region has also been found along with bleeding from right ear.

7. Having regard to the nature of accusations and gravity of offence alleged, this Court is not inclined to grant the privilege of anticipatory bail to the petitioner nos. 1 to 4. The anticipatory bail petition stands dismissed.

8. If the petitioner nos. 1 to 4 surrender and seek regular bail before the learned court below, the same shall be considered on its own merit in accordance with law and without being prejudiced by any observation in the present order.

(Vikash Jain, J)

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