

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.74093 of 2018

Arising Out of PS. Case No.-343 Year-2018 Thana- SAMASTIPUR MUFFASIL District-
Samastipur

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1. Dharmendra Paswan, Son of Sukhdev Paswan,
 2. Rajendra Paswan, Son of Late Ram Gulam Paswan,
Both residents of Village- Luguniya Suryakanth, Police Station- Mufassil,
District- Samastipur.
- Petitioners
- Versus
- The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr.Bijay Bhushan Prasad, Advocate
For the Opposite Party : Mr.Jitendra Kr. Singh, APP

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

3 07-03-2019 Heard learned counsel for the petitioners and learned APP
for the State.

2. The petitioners apprehend their arrest for the offences
alleged under Sections 302/34 of the Indian Penal Code registered in
connection with Muffasil P.S. Case No. 343 of 2018.

3. It is submitted that the petitioners have been falsely
implicated and the accusations of choking the deceased by pressing
his neck with their feet are general and omnibus in nature. It is
submitted that when time of death stated to be within 36 hours casts
doubts upon time of occurrence as the post mortem has been
conducted within six hours from the time of occurrence.

4. Having regard to the nature of accusations, gravity of
offence alleged and the post mortem report which corroborates the
accusation of choking the deceased by pressing his neck with feet of
the petitioners as the cause of death is asphyxia and there is abrasion
mark on the neck of the deceased, this Court is not inclined to grant



anticipatory bail to the petitioner. The anticipatory bail petition stands dismissed.

BT/-

(Vikash Jain, J)

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