

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49156 of 2019

Arising Out of PS. Case No.-237 Year-2019 Thana- MAHUA District- Vaishali

1. VIKASH KUMAR Son of Raj Kumar Ram Resident of Village - Fathehpur Chauthai, P.S.- Mahua, District- Vaishali
2. Raju Kumar Son of Raj Kumar Ram Resident of Village - Fathehpur Chauthai, P.S.- Mahua, District- Vaishali
3. Raj Kumar Ram Son of Mahendra Ram Resident of Village - Fathehpur Chauthai, P.S.- Mahua, District- Vaishali

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arvind Kumar Mouar
For the Opposite Party/s : Mr.Sanjay Kumar Tiwary

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

6 04-12-2019 Heard learned counsel for the petitioners, informant and learned APP for the State.

Petitioners apprehend their arrest in connection with **Mahua P.S. Case No. 237 of 2019** instituted for the offence under Section(s) 302/34 of the Indian Penal Code and Sections 4 and 8 of the POCSO Act.

The application, so far as petitioner no.3 is concerned, is dismissed as having become infructuous vide order dated 20.09.2019.

It is submitted by the petitioners' counsel that they are brothers of Ranjan Kumar, who is the prime accused in the



instant case. It is submitted that victim as well as Ranjan Kumar both had consumed poison as this has come in course of investigation. Petitioners, being brothers of Ranjan Kumar, cannot be held responsible for the occurrence in such a manner.

Learned counsel for the informant as well as the State has drawn the attention of the Court to the fact that the body of the victim girl was recovered from house of the petitioners and, therefore, the petitioners cannot be absolved themselves of the liability/responsibility.

Considering the aforesaid submissions and the gravity of the allegations, this Court is not inclined to allow the prayer for anticipatory bail of petitioner nos. 1 and 2.

The application is rejected.

(Madhuresh Prasad, J)

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