

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54951 of 2019

Arising Out of PS. Case No.-112 Year-2019 Thana- MADANPUR District- Aurangabad

1. KARU BHUIYAN Son of Late Ramdhani Bhuiyan, Resident of Village- Mainbigha, P.S.- Madanpur, District- Aurangabad.
2. Sikandra Bhuiyan Son of Soni Bhuiyan, Resident of Village- Mainbigha, P.S.- Madanpur, District- Aurangabad.
3. Vinay Bhuiyan Son of Karu Bhuiyan, Resident of Village- Mainbigha, P.S.- Madanpur, District- Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Leelawati Kumari
For the Opposite Party/s : Mr.Sanjay Kumar Singh

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 16-11-2019 Heard both sides.

Petitioners apprehend their arrest in Madanpur P.S.

Case No.112 of 2019 registered under Sections 302 and 34 of the Indian Penal Code and under section 3/4 of the Prevention of Witch Craft Practice Act.

The informant alleged that on 21.05.2019 her husband was sleeping inside the house but the petitioner along with nine other accused persons having armed with different weapons came and began to abuse him. When the husband of the informant came out of the house, the accused persons indiscriminately assaulted him. The husband of the informant



got injury on his head and fell on the ground and again all the accused persons assaulted him.

Learned counsel for the petitioners submits that 12 persons including three petitioners are named in the F.I.R. but no specific allegation of assault is made against any of the accused. The petitioners are agnates of the deceased. The postmortem report shows only two injuries on the person of the deceased and on account of injury found on his head, the deceased died.

From perusal of F.I.R. itself, it appears that there is allegation that all the accused persons indiscriminately assaulted the deceased with different weapons. All the witnesses have reiterated the same fact during course of investigation. The postmortem report shows that the deceased got multiple injuries on his head and other parts of his body.

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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