

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55164 of 2019

Arising Out of PS. Case No.-12 Year-2019 Thana- MEDNI CHAUKI District- Lakhisarai

1. Dharmaraj Kumar @ Dharmaraj Bind, Male, aged 19 years, Son of Kamali Bind, Resident of Village Basgadha, Bind Toli, P.S. Medini Chowki, District Lakhisarai.
2. Bara Kumar @ Barelal Bind, Male, aged 24 years, Son of Kamali Bind, Resident of Village Basgadha, Bind Toli, P.S. Medini Chowki, District Lakhisarai.
3. Marni Devi, Female, aged about 48 years, Wife of Kamali Bind, Resident of Village Basgadha, Bind Toli, P.S. Medini Chowki, District Lakhisarai.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioners	:	Mr. Manoj Kumar, Advocate
For the State	:	Mr. Sanjay Kumar Tiwary, APP
For the Informant	:	Mr. Ajit Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 20-11-2019 Heard learned counsel for the petitioners, learned APP for the State and learned counsel appearing on behalf of the informant.

The petitioners apprehend their arrest in Medini Chowki P.S. Case No.12 of 2019, registered under Sections 341, 323, 324, 302, 504, 506 and 34 of the Indian Penal Code.

The informant alleged that her husband went to persuade his nephew Barelal Bind and Dharmaraj Bind, petitioners no.1 and 2 not to cut grass from his field but the petitioners, Barelal Bind and Dharmaraj Bind assaulted her



husband with piece of bricks. Many people came and saved her husband. Again Kamali Bind, the father of petitioners no.1 and 2, Marni Devi, petitioner no.3, Shobha Devi, Barelal Bind, Dharmaraj Bind, petitioners no.2 and 1 came, damaged the motorcycle and they all put down her husband on the ground and assaulted her husband. In the meantime, Shobha Devi assaulted her husband with *khanti* on his head and her husband got bleeding injury on his head. The accused persons assaulted the informant and her daughter. During the course of treatment, her husband died.

Learned counsel for the petitioners submits that specific allegation is made against Shobha Devi that she assaulted the husband of the informant with *khanti* on his head. There is no specific allegation of assault against the petitioners but it appears that firstly Barelal Bind and Dharmaraj Bind, petitioners no.2 and 1 respectively assaulted the husband of the informant with bricks. Thereafter again they all came and all the three petitioners assaulted the husband of the informant and put him down on the ground. Only thereafter Shobha Devi is said to have assaulted the deceased with *khanti* on his head. Consequently the husband of the informant died.

Taking into consideration the facts aforesaid, I am not



inclined to enlarge the petitioners on anticipatory bail.
Accordingly, the prayer for anticipatory bail of the petitioners is
rejected.

(Prabhat Kumar Jha, J)

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