

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10694 of 2020

Arising Out of PS. Case No.-98 Year-2019 Thana- MARAUNA District- Supaul

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1. ZOHRA KHATOON Wife of Ilyas Resident of Village - Marauna, P.S.- Marauna, Distt - Supaul.
 2. Md. Yakub Son of Md. Ilyas Resident of Village - Marauna, P.S.- Marauna, Distt - Supaul.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Shiva Shankar Sharma
For the Opposite Party/s	:	Mr.Arun Kumar Pandey
For the informant	:	Mr. Kuldeep Kumar

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 23-09-2020 Heard learned Counsel for the petitioners, learned Counsel for the informant and learned Additional Public Prosecutor for the State, through video conferencing.

The petitioners apprehend their arrest in connection with Marauna Police Station Case No. 98 of 2019, registered for the offence punishable under Section 302/34 of the Indian Penal Code.

The allegation against the petitioners is that the petitioner no. 1 caught hold both the hands of Md. Latif, son of the informant and all other accused persons assaulted the son of the informant by means of iron-rod. The allegation against the petitioner no. 2 is that he assaulted the son of the informant by



means of fists, legs and also slapped him, while he was lying on the earth.

Learned Counsel for the petitioners submits that the petitioners have falsely been implicated in this case along with other co-accused persons. He further submits that there is specific allegation of assault against co-accused Md. Razzak and the allegation against petitioner no. 1 is only catching hold of the hands of the son of the informant. He further submits that the cause of death of the son of the informant has not been ascertained by the doctor and the same has been kept pending, awaiting viscera report.

On the other hand, learned Counsel for the informant and learned Additional Public Prosecutor vehemently oppose the prayer for anticipatory bail and submits that all the accused persons, with common intention, assaulted the son of the informant, causing his death. They, referring to paragraphs 3,4, 5, 11,. 12 of the case diary, submit that the witnesses have supported the prosecution story and other co-accused persons have surrendered before the learned Court below on 14.09.2019 and the processes, under Section 82-83 of the Code of Criminal Procedure, 1973, have already been issued against the petitioners.



Having heard learned Counsel for the parties and taking into consideration the materials on record and the fact that the petitioners are named in the First Information Report and processes, under Sections 82-83 of the Code of Criminal Procedure, 1973, have already been issued against the petitioners, I am not inclined to grant the petitioners privilege of anticipatory bail.

This application is, accordingly, dismissed.

The office is directed to return the viscera report to the concerned authority.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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