

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66119 of 2019

Arising Out of PS. Case No.-56 Year-2019 Thana- SURYAGARHA District- Lakhisarai

1. Niranjana Das, S/o Thakur Das, Resident of Village- Mohammadpur, P.S.-
Suryagarha, District- Lakhisarai.
2. Nunulal Das S/o Thakur Das Resident of Village- Mohammadpur, P.S.-
Suryagarha, District- Lakhisarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bhola Prasad

For the Opposite Party/s : Mr. Dilip Kumar No.I, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

6 04-03-2020 Heard Mr. Bhola Prasad, learned counsel appearing
for the petitioners and learned counsel appearing on behalf of
the State.

Petitioners apprehend their arrest in connection with
Suryagarha P.S. Case No.56 of 2019, registered for the offence
punishable under Sections 302, 307, 324/34 of the Indian Penal
Code.

The allegation against the petitioners is that they
formed unlawful assembly and surrounded the son and nephew
of the informant and assaulted the son of the informant and
nephew of the informant by means of knife dagger etc. causing
death of son of the informant and injury to nephew of the



informant.

Learned counsel for the petitioners submits that both the parties are co-sharers and there is land dispute between them. Learned counsel further submits that from perusal of para 32 of the case diary, it would be evident that the statement of injured victim, Basu Das, has been recorded by the police who has disclosed that Ganesh Das has assaulted the deceased by means of knife and another accused person assaulted him. Learned counsel further submits that injury report of injured witness has been called for and the same has not been brought by the prosecution.

Having heard learned counsel for the parties and taking into consideration the fact that the petitioners along with other co-accused formed an unlawful assembly and with common intention having lethal weapon in their hands assaulted the son of the informant and nephew of the informant, causing the death of son of the informant, I am not inclined to grant anticipatory bail to the petitioners and the same is hereby rejected.

(Anil Kumar Sinha, J)

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