

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36888 of 2020

Arising Out of PS. Case No.-9 Year-2020 Thana- MUFFASIL District- Aurangabad

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1. Rajendra Paswan, S/o Rajdeo Paswan
 2. Sujeet Kumar, S/o Rajendra Paswan
 3. Vivek Kumar, S/o Rajendra Paswan
 4. Saheb Paswan, S/o Late Devram Paswan

All are R/o Village- Pawai, P.S.- Muffasil, District- Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Krishna Prasad Singh, Sr. Adv.

For the Opposite Party/s : Mr. Rajesh Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

4 13-07-2021 Heard Mr. Krishna Prasad Singh, the learned

Senior Advocate for the petitioners and Mr. Rajesh Kumar,

the learned APP for the State.

The petitioners seek bail in anticipation of their

arrest in connection with Aurangabad Muffasil P.S. Case No.

09 of 2020, dated 13.01.2020, instituted for the offences

under Section 302 of the Indian Penal Code.



This Court had called for the case diary and the *postmortem* report *vide* orders dated 07.04.2021 and 25.05.2021 respectively.

The petitioners are said to have assaulted the deceased after dragging him to a distance.

It has been submitted on behalf of the petitioners that nine persons are said to have assaulted the deceased but the *postmortem* report does not reveal that the petitioners were the assailants.

Perused the *postmortem* report.

The report discloses that the deceased died of *antemortem* injuries.

Regard being had to the nature of accusation against the petitioners, I am not inclined to grant anticipatory bail to them.

The prayer for grant of anticipatory bail of the petitioners is, accordingly, rejected.

However, if the petitioners surrender before the Court below and seek bail, the Court below shall consider the case on its own merits, without being prejudiced by the fact



that the present anticipatory bail application has not been entertained by this Court.

The application stands dismissed.

(Ashutosh Kumar, J)

Praveen-II/-

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