

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86372 of 2019

Arising Out of PS. Case No.-105 Year-2019 Thana- DHANKUND District- Banka

1. MD. NAZIR @ NAZIR SHAIKH Son of Late Md. Razzak Resident of Village - Puraini, P.S.- Jagdishpur, District - Bhagalpur.
2. Md. Faizan Son of Md. Nazir @ Nazir Shaikh Resident of Village - Puraini, P.S.- Jagdishpur, District - Bhagalpur.
3. Md. Shahrukh @ Sabban Shaikh Son of Md. Nazir @ Nazir Shaikh Resident of Village - Puraini, P.S.- Jagdishpur, District - Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md. Najmul Hodda
For the Opposite Party/s : Mr. Amitesh Kumar

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 23-03-2021 Heard both sides.

The petitioners apprehend their arrest in Dhankund P.S. case No. 105/2019 registered under Section 302/34 of the IPC.

The informant alleged that marriage of his son, Md. Shamshad, was solemnized with Bibi Moneera, daughter of Md. Nazir, petitioner No.1, in the year 2016. The petitioners called his son to Mumbai. The son of informant went to Mumbai but on 31.08.2019 his father-in-law and mother-in-law brought the son of informant to the house of informant and disclosed that Md. Shamshad is seriously ill and, therefore, he requires some treatment. When the father-in-law and mother-in-law left the house of informant, son of the informant disclosed that his father-in-law, mother-in-law and other family members were assaulting him while he was in Mumbai and on account of such



assault he became ill. When the informant was taking his son for treatment his son died in the way to hospital.

The learned counsel for the petitioners submits that informant is not an eye witness of the occurrence. Entire occurrence took place at Mumbai but the FIR has been registered at Bhagalpur. It is further submitted that wife of the deceased has also been made accused in the case but from perusal of the FIR and post mortem report, it appears that informant got information from his own son, the deceased, that petitioners and others were always assaulting him when he was in Mumbai and on account of such assault he became ill thereafter his father-in-law and mother-in-law dropped him to his house. Immediately thereafter son of informant died. The inquest report also shows that on account of assault and the injuries son of informant died. The post mortem report also shows internal ante mortem injuries. Right temporal bone was found fractured. There was blood clot on right side of chest and 4th, 5th and 6th ribs were found fractured.

Taking into consideration the facts aforesaid and the nature of allegation made against the petitioners, I am not inclined to enlarge the petitioners on anticipatory bail. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J)

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