

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16935 of 2021

Arising Out of PS. Case No.-109 Year-2020 Thana- CHAKIA District- East Champaran

1. KAUSHAR Wife of md. Azad Resident of Village - Ramdiha, Police Station - Chakia, District - East Champaran at Motihari.
2. TRANNUM Daughter of Md. Azad Resident of Village - Ramdiha, Police Station - Chakia, District - East Champaran at Motihari.
3. DILKHUSH Daughter of Md. Azad Resident of Village - Ramdiha, Police Station - Chakia, District - East Champaran at Motihari.
4. LAL BABU Son of Md. Azad Resident of Village - Ramdiha, Police Station - Chakia, District - East Champaran at Motihari.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr.Setu Prateek
For the Opposite Party/s :	Mr.Ashhar Mustafa
	Mr.Falakyar Askari
	Mr Deepak Kumar Singh
	Mr Vishal Kumar Singh
	Mr.Ram Naresh Ray

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

4 09-03-2022 The learned counsel for the petitioners is directed to remove all the defects pointed out by the Stamp Reporter within one month.

Heard the learned counsel for the petitioners and learned APP for the State.

The petitioners apprehend their arrest for the offences alleged under Sections 341, 323, 307, 379, 504 and 506/34 of the Indian Penal Code and later on Section 302 IPC



was added, registered in connection with Chakia P.S. Case No.109 of 2020.

As per FIR, some dispute took place between the parties due to storage of firewood on the land of the informant. The allegation against the accused persons, including the petitioners, is that they badly assaulted Md. Taslim, Kasidan Khatoon and Chmantara, who came to the rescue of Sabana Khatoon. All the injured were referred to the Referral Hospital, Chakia. Md. Taslim was serious, as such, he was referred to SKMCH, Muzaffarpur. After the death of Md. Taslim, Section 302 IPC was added.

The learned counsel for the petitioners has submitted that specific allegation of assault is on co-accused Md. Azad to assault Sabana, daughter-in-law of the informant. He has further submitted that as per the post mortem report, only one injury has been found on the parietal region of the deceased and the injury, as per the opinion of the doctor, is the cause of death.

Per contra, the learned counsel for the informant has submitted that all the accused persons badly assaulted the members of the informant's side including the deceased. He has further submitted that other accused persons have been granted regular bail, but it is anticipatory bail.



Considering the above facts and circumstances, it is not a fit case for anticipatory bail. The prayer for anticipatory bail on behalf of the petitioners is hereby rejected.

Office shall ensure that all defects are removed by the petitioners within the stipulated time as provided hereinabove, failing which the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey, J)

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