

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38051 of 2021

Arising Out of PS. Case No.-126 Year-2017 Thana- DULHIN BAZAR District- Patna

1. NIRMAL SINGH @ NIRALA RAI Son of Audhesh Rai Resident of Village- Chhihater, P.S.- Maner, District- Patna.
2. Rohit Kumar Son of Rajeshwar Rai Resident of Village- Chhihater, P.S.- Maner, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dhananjay Kumar Tiwary, Advocate

For the Opposite Party/s : Mr.Nityanand Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 29-03-2022 Heard learned counsel for the petitioners and learned
APP for the State.

Learned Counsel for the petitioners is directed to remove the defect(s), as pointed out by the office, within a period of four weeks.

The petitioners are apprehending their arrest in connection with Dulhin Bazar P.S. case No.126 of 2017 registered under Sections 302/34 of the Indian Penal Code, pending in the court of Judicial Magistrate, 1st class, Danapur.

Allegation is that the accused persons including the petitioners assaulted the brother of the informant on his head by means of iron rod, due to which he sustained grievous injuries



and died.

It has been submitted on behalf of the petitioners that the petitioners have got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioners. The petitioners have falsely been implicated in the present case. Due to previous enmity the petitioners have been made accused in the present case. There is no motive alleged against the petitioners.

On behalf of the State, it is submitted that the petitioners are named in the F.I.R. Specific allegation of assault is alleged against both the petitioners assaulting on head of the deceased. The postmortem report corroborates with the allegations made in the F.I.R.

Considering the aforesaid facts and circumstances, I am not inclined to grant anticipatory bail to the petitioners. The same is rejected.

If the petitioners surrender before the court below and pray for regular bail, same shall be considered on its own merit without being prejudiced by this order.

Narendra/-

(Sudhir Singh, J)

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