

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45910 of 2021

Arising Out of PS. Case No.-97 Year-2021 Thana- BIHTA District- Patna

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DHARMENDRA PASWAN @ BHUWAR Son of Ganga Vishun Paswan
Resident of Village- Gulamalichak, P.S.- Bihta, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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with
CRIMINAL MISCELLANEOUS No. 47619 of 2021

Arising Out of PS. Case No.-97 Year-2021 Thana- BIHTA District- Patna

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SURAJ PASWAN Son of Ganga Vishun Paswan Resident of Village -
Gulamalichak, P.S. - Bihta, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 45910 of 2021)

For the Petitioner/s : Mr.Sunit Kumar Srivastava

For the Opposite Party/s : Mr.Aditya Narayan Singh.1

(In CRIMINAL MISCELLANEOUS No. 47619 of 2021)

For the Petitioner/s : Mr.Sunit Kumar Srivastava

For the Opposite Party/s : Mr.Akhileshwar Dayal

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

ORAL ORDER

5 20-09-2022 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,

learned counsel for the informant as well as learned APP for the

State.



The petitioners apprehend their arrest for the offences alleged under Sections 341, 342, 363, 328, 302, 120(b) and 34 of the Indian Penal Code, registered in connection with Bihta P.S.Case No.97 of 2021.

The informant Chandrakanti Devi is the wife of the deceased. As per allegation, on 03.02.2021 at about 3 p.m. when she was in her house, the petitioner Dharmendra Paswan @ Bhuwar came to her house and made allegation that her husband had stolen away his mobile set. He also wanted the whereabouts of her husband. When the informant told him that her husband is not present there, he went therefrom. Again he came at 3.30 p.m. with the petitioner Suraj Paswan and other accused person named in the FIR. They badly assaulted her husband and dragged away her husband to the house of the petitioner Dharmendra Paswan @ Bhuwar, assaulting him in the way. They administered poisonous substance to him. He was brought to the PMCH, Patna where he died.

The learned counsel for the petitioners has submitted that he has filed the viscera report with supplementary affidavit and no Metallic, Alkaloidal, Glycosidal, Pesticidal and Volatile poison was found from the dead body.

On the other hand, learned counsel for the informant



as well as learned APP for the State have submitted that there is specific allegation against the petitioners that they assaulted the deceased and as per the inquest report and post-mortem report, some injuries are present on the person of the deceased.

In view of specific allegation against petitioners, they are not entitled for anticipatory bail. The prayer for anticipatory bail on behalf of both 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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