

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51285 of 2021

Arising Out of PS. Case No.-63 Year-2021 Thana- PHULWARIA District- Begusarai

1. SANNY KUMAR @ GUDDU KUMAR Son of Dharmendra Kumar Sah Resident of Village - Baro Tetariya Tola, Ward No.- 7, P.S.- Phulwaria, District - Begusarai
2. Sonu Kumar Son of Dharmendra Kumar Sah Resident of Village - Baro Tetariya Tola, Ward No.- 7, P.S.- Phulwaria, District - Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Shivjee Singh
For the Opposite Party/s	:	Ms. Shaheen Begum
		Mr. J.N. Thakur

CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR PANDEY

ORAL ORDER

4 27-09-2022 The learned counsel for the petitioners is directed to remove all the defects pointed out by the office within one month.

Heard the learned counsel for the petitioners as well as Mr. J. N. Thakur, the learned Additional Public Prosecutor for the State.

The petitioners apprehend their arrest in connection with Phulwaria P.S. Case No. 63 of 2021 registered for offence punishable under sections 302/34 of the Indian Penal Code and section 27 of the Arms Act.

The informant is father of the deceased Ratan Kumar.



On 12.04.2021 at 5.45 A.M., when wife of the informant went to the room of Ratan Kumar, she saw his dead body.

As per allegation, there was some previous land dispute between the parties and the informant was of firm belief that the accused persons named in the FIR, including the petitioners committed murder of his son.

The learned counsel for the petitioners has submitted that though the deceased has sustained gunshot injury, but he died inside his house. The names of the petitioners have been given merely on the basis of suspicion.

On the other hand, Mr. J. N. Thakur, the learned APP has submitted that in paragraph nos. 10, 11 and 12 of the case diary, the witnesses have stated that on 11.04.2021 at about 9:00 A.M., co-accused Dharmendra Kumar Sah and his family members were attempting to trespass the land, flouting the status-quo order and when police came, they fled away. In the same night, Dharmendra Kumar Sah and the petitioners were uttering in inebriated condition that they had to murder the son of the informant and his dead body was found in the next morning.

There is land dispute between the parties. The witnesses during investigation have stated that the petitioners



along with other co-accused Dharmendra Kumar Sah were uttering that they had to commit murder of son of informant. In the next morning, the dead body of son of the informant was recovered.

In my view, it is not a fit case for anticipatory bail. Accordingly it is rejected.

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

(Nawneet Kumar Pandey, J)

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