

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56043 of 2021

Arising Out of PS. Case No.-34 Year-2021 Thana- TANDWA District- Aurangabad

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1. GUDDU BHUIYAN Son of Mahesh Bhuiyan Resident of village- Khushuba Bela, P.S.- Tandwa, District- Aurangabad.
 2. Dhirendra Bhuiya Son of Mahesh Bhuiyan Resident of Village- Khushuba Bela, P.S.- Tandwa, District- Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shailesh Kumar Singh

For the Opposite Party/s : Mr. Narendra Kumar Singh

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

3 22-03-2022 Learned counsel for the petitioners is permitted to remove defect(s), as pointed out by the office, if any, within a period of four weeks from today.

Heard learned counsel for the petitioners and the State.

The petitioners pray for grant of anticipatory bail in Tandwa P.S. Case No. 34 of 2021 registered for the offence punishable under Sections 364/302/201/34 of the Indian Penal Code.

The deceased was having an affair with Sangeeta and the petitioners are cousin brother of Sangeeta.

On 17.05.2021, the deceased got a call from Sangeeta at 01:00 p.m. while he was with his friend Rahul Kumar and, thereafter, he went to see Sangeeta, but the deceased did not return and on 23.05.2021, the deadbody of the deceased was



found by his family members. The postmortem report shows that the deceased was killed brutally. The petitioners are cousin brother of Sangeeta with whom the deceased have an affair and with whom he had gone to meet. During investigation, the prosecution story has been supported by the witness Rahul Kumar.

It has been submitted by learned counsel for the petitioners that there is no direct evidence against the petitioners of having been involved in the crime. They have a clean antecedent though are direct relatives of Sangeeta.

Learned Additional Public Prosecutor has opposed the prayer for bail and has submitted that it is a case of brutal murder and in such type of cases, there is no direct evidence available against the accused persons.

Though, there is no direct evidence available against the petitioners, but in such cases of grave suspicion when a man has been killed brutally and petitioners are cousin brother of Sangeeta, in the opinion of this Court, this is not a fit case for grant of anticipatory bail. It is, accordingly, dismissed.

(Sandeep Kumar, J)

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