

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43732 of 2023

Arising Out of PS. Case No.-135 Year-2023 Thana- TURKAULIYA District- East
Champaran

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1. Suraj Kumar Son Of Rajendra Sah Resident Of Village- Shankar Saraiya, Ps- Turkauliya, Dist- East Champaran
 2. Sunil Sah Son Of Raj Vanshi Sah Resident Of Village- Shankar Saraiya, Ps- Turkauliya, Dist- East Champaran
 3. Anil Sah Son Of Rajvanshi Sah Resident Of Village- Shankar Saraiya, Ps- Turkauliya, Dist- East Champaran
 4. Harendra Sah Son Of Raj Vanshi Sah Resident Of Village- Shankar Saraiya, Ps- Turkauliya, Dist- East Champaran
 5. Lakhindra Sah Son Of Raj Vanshi Sah Resident Of Village- Shankar Saraiya, Ps- Turkauliya, Dist- East Champaran
 6. Shamshad Ansari @ Shamsuddin Ansari Son Of Isahak Ansari Resident Of Village- Shankar Saraiya, Ps- Turkauliya, Dist- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Krishna Kant Singh
For the Opposite Party/s : Mr. Bharat Lal

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 25-09-2023 Heard learned counsel for the petitioners, learned
counsel for the informant and the State.

2. Petitioners apprehend their arrest in case
registered for the offences punishable under Sections 302/34 of
the Indian Penal Code.

3. It is alleged that during course of play some scuffle took place between grand-son of the informant and the accused persons and thereafter they had threatened the grand-son of the informant with dire consequences. Due to previous enmity these petitioners came to the house of the informant and took the grand-son of the informant with them to some lonely place and they assaulted the grand-son of the informant on his head with iron rod due to which he died.

4. It is submitted on behalf of the petitioners that the informant is not an eye witness of the occurrence and only on the basis of suspicion, these petitioners have been made accused in this case. As per the medical report, the grand-son of the informant died due to cardio respiratory arrest. It is further submitted that the complaint has been filed after delay of 38 days and there is no explanation as to why the complaint has been lodged after delay of 38 days without there being any explanation.

5. Learned counsel for the informant opposed and submitted that there is specific allegation that these petitioners have assaulted the grand-son of the informant on the head with iron rod due to which he died.

6. Considering the nature of the allegation and the

gravity of the offences, prayer for anticipatory bail of the
petitioners is refused.

(Prabhat Kumar Singh, J)

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