

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63824 of 2022**

Arising Out of PS. Case No.-2 Year-2022 Thana- BARHARIA District- Siwan

1. Chunchun @ Md. Chunchun, Son of Hasmullah, R/v- Gousihata, P.S.- Barharia, District- Siwan
2. Aabid Ali @ Abid Hussain, Son of Saukat Ali, R/v- Gousihata, P.S.- Barharia, District- Siwan
3. Sajid @ Sajid Ali, Son of Saukat Ali, R/v- Gousihata, P.S.- Barharia, District- Siwan
4. Meraj @ Merazuddin Sidhiquee, Son of Hasmullah, R/v- Gousihata, P.S.- Barharia, District- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjeet Kumar Pandey
For the Opposite Party/s : Md. Aslam Ansari

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

3 21-03-2023 Heard learned counsel for the petitioners and the State.

Petitioners apprehend arrest in registered for the offences punishable under Sections 147, 323, 302, 120B and other allied sections of the Indian Penal Code.

As per prosecution case, on the alleged date and time of the occurrence, all the F.I.R. named accused persons including these petitioners assaulted the brother of the informant by means of *lathi-danda* and iron rod as a result of which, he sustained injury and died while being taken to the hospital.

Learned counsel for the petitioners submits that from perusal of the F.I.R., it is evident that informant is not an eye



witness of the occurrence. He further submits that 8 persons are alleged to have assaulted with lathi, danda and iron rod but in the post-mortem report doctor has found only three injuries. He next submits that in the F.I.R. itself it is mentioned that the deceased had enmity with co-accused Wasim and others while these petitioners are not named in there and there was no occasion for these petitioners to commit the offence.

Learned counsel for the informant vehemently opposes the prayer for bail application submitting that there is direct and specific allegation against these petitioners of causing assault, resulting in death of brother of the informant. He next submits that during investigation it has come in the case diary that one of the witnesses has supported the prosecution case and named these petitioners as assailants of the deceased.

Considering the aforesaid facts, prayer for bail of the petitioners is refused with direction to surrender and seek regular bail which would be considered and disposed of on its own merit without prejudice.

(Prabhat Kumar Singh, J)

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