

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68353 of 2022

Arising Out of PS. Case No.-290 Year-2022 Thana- KORHA District- Katihar

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1. Abdul Hannan, S/o Late Md. Ali, R/o Sahariya, P.S.- Barari, Distt- Katihar.
 2. Md. Habibur Rahman, S/o Abdul Hannan, R/o Sahariya, P.S.- Barari, Distt- Katihar.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Singh, Advocate

For the Opposite Party/s : Mr. Amitesh Kumar, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 03-05-2023 Heard learned counsel appearing on behalf of the petitioners and learned Additional Public Prosecutor appearing on behalf of the State.

Let the defect(s), as pointed out by the office, if any, be removed within a period of four weeks from today.

The accused/petitioners are named in the F.I.R. and apprehending their arrest in connection with Korha P.S. Case No. 290 of 2022 registered for the offences punishable under Sections 302, 201/34 of the Indian Penal Code.

The allegation against petitioners is to commit murder of brother of informant alongwith other co-accused persons/family members/relatives by causing bodily injuries, where occurrence is founded over previous dispute.



It is submitted by learned counsel appearing on behalf of the petitioners that informant is not the eye witness of the occurrence and entire allegation is based upon on the basis of suspicion. It is also pointed out that petitioner no. 1 is father-in-law and petitioner no. 2 is brother-in-law of the deceased and there has been no occasion for petitioners to commit the murder of brother of informant. It is also submitted that dead body was also recovered from the open place, which is accessible by general public and is also not appears to be connected in any manner with petitioners. While concluding arguments, it is submitted that petitioners are men of clean antecedents.

Learned APP, while opposing the prayer of bail submitted that the daughter of deceased during the course of investigation supported the occurrence. It is also submitted that she appears to be an eye witness of the occurrence as on the fateful night, she found both petitioners assaulting the deceased and also to take him away outside the house, where in morning she came to know from informant that her father was killed.

Considering the aforesaid facts and circumstances and by taking note of statement of daughter of deceased as available in para 55 of the case diary, where both petitioners were found at the house of the deceased on the intervening night of the



occurrence and were found assaulting the deceased and also took him away outside from his house, prayer of anticipatory bail of the petitioners are rejected herewith.

The presence of Investigating Officer is dispensed with.

(Chandra Shekhar Jha, J)

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