

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61444 of 2024

Arising Out of PS. Case No.-211 Year-2022 Thana- ADAPUR District- East Champaran

1. Budhan mian Son of Israyel Mian R/O Vill.- Sirisiya Kala, P.S.- Adapur, Dist.- East Champaran.
2. Afsar mian Son of Budhan mian R/O Vill.- Sirisiya Kala, P.S.- Adapur, Dist.- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sunil Kumar No.III, Advocate

For the Opposite Party/s : Dr. Indihar Kumari, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 20-09-2024

1. Heard learned counsel for the parties.

2. The petitioners have preferred this application for grant of anticipatory bail apprehending their arrest in connection with Adapur P.S. Case no.211 of 2022, registered under sections 302 and 34 of the Indian Penal Code.

3. As per the prosecution case, the informant states that over a trivial dispute, five named accused persons including the two petitioners herein came variously armed with *lathi*, *danda*, iron rod etc. They started to abuse the informant and her husband. It is further stated that the accused started to assault the informant and others. The petitioner no.1 caught hold of the informant's husband while others assaulted him leading to his



death.

4. Learned counsel for the petitioners submits that the petitioners have been falsely implicated in the case. The manner of occurrence is other than what has been narrated in the FIR. It is for this reason that while the petitioner no.1 and the deceased are full brothers, the same has not been disclosed by the informant. There is no overt act alleged so far as petitioner no.1 is concerned. There is land dispute between the parties and the allegations against the petitioner no.2 are general and omnibus in nature.

5. The application for anticipatory bail is opposed by learned A.P.P for the State.

6. Having heard learned counsel for the parties and taking into consideration the allegations against the two petitioners in the FIR, both the petitioners having actively participated therein in the assault leading to death of the informant's husband, the Court is not inclined to enlarge the petitioners on anticipatory bail and the application is rejected.

7. The petitioners are directed to surrender in the learned Court below within a period of four weeks.

8. In case the petitioners so surrender within the aforesaid period and pray for regular bail, the application shall



be considered on its own merits without being prejudiced by this
order of rejection.

(Partha Sarthy, J)

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