

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.153 of 2024

Arising Out of PS. Case No.-248 Year-2023 Thana- MADHEPURA District- Madhepura

1. Chandan Sah @ Chandan Kumar son of Gajendra Sah Resident of village-Sakhua PS-Madhepura Dist-Madhepura
2. Ganesh Sah Son of Shivam Sah Resident of village-Sakhua PS-Madhepura Dist-Madhepura
3. Prabhash Sah @ Prabhash Kumar Son of Priyawat Sah Resident of village-Sakhua PS-Madhepura Dist-Madhepura
4. Raben Sah Son of Shani Sah Resident of village-Sakhua PS-Madhepura Dist-Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Durgesh Kumar

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

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

6 14-05-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners apprehend their arrest in a case registered for the offence under Sections 341, 323, 307, 379, 504, 506, 34 of the Indian Penal Code and Section 27 of the Arms Act and later on, Section 302 of the Indian Penal Code was added in the F.I.R.

3. As per the prosecution case, on 04.03.2023 at 8.00 hrs., all the F.I.R. named accused persons including these petitioners and 5-6 unknown persons, variously armed, abused and assaulted father of the informant with iron rod, as a result of



which, he died in course of treatment.

4. It is submitted on behalf of petitioners that allegation is general and omnibus in nature and no specific overt act has been alleged against these petitioners. *Post-mortem* report does not corroborate the prosecution story. There is case and counter case. Petitioners claim clean antecedent.

5. Learned A.P.P. for the State has vehemently opposes the bail petition and submits that petitioners are named in the F.I.R. and there is specific allegation against these petitioners that they alongwith other co-accused brutally assaulted the father of the informant, on account of which, he died. In the *post-mortem* report, doctor has found altogether nine injuries on the person of deceased.

6. Considering the same, the prayer for anticipatory bail of petitioners is rejected.

(Prabhat Kumar Singh, J)

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