

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27249 of 2025

Arising Out of PS. Case No.-8 Year-2013 Thana- DULHIN BAZAR District- Patna

1. Md. Hasan @ Md. Hassan S/o Late Md. Hafiz Hassan Resident of Village - Kopa, P.S. - Dulhin Bazar, District - Patna
2. Md. Wali Hasan S/o Late Md. Hafiz Hassan Resident of Village - Kopa, P.S. - Dulhin Bazar, District - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioners : Mr. Shyamal Prakash, Advocate
For the State : Mr. Dilip Kumar No. 1, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 11-08-2025 Heard learned counsel appearing on behalf of the petitioners and learned APP appearing on behalf of the State.

2. The petitioners apprehend their arrest in a case registered for the offence punishable under Sections 302 and 34 of the Indian Penal Code.

3. As per prosecution case, it is alleged that these two petitioners climbed upon chest of father of informant and assaulted him with fist and slap due to which father of informant sustained injuries and during course of treatment, he died.

4. It is submitted by learned counsel appearing on behalf of the petitioners that petitioners are quite innocent and have committed no offence. Informant is not an eye witness of



the occurrence. After investigation of the instant case, police submitted final form against both these petitioners on 25.01.2014. However, differing with the same, the learned trial Court took cognizance. During investigation, several witnesses have stated that on the alleged date and time of occurrence, the deceased was playing cards and in the meantime, Petitioner No. 1 came over there and asked the deceased to go home for having lunch but he denied due to which an altercation took place which was pacified. Thereafter, the deceased was having some problems in breathing and accordingly, informant was informed who came over and took the deceased to hospital for treatment where he died. It is further submitted that in the *post mortem*, doctor has not found any external injury on the person of the deceased. There is inordinate delay of about 2 months in filing of the present case in as much as the alleged occurrence took place on 04.07.2012 whereas the complaint case was filed on 25.09.2012 and that too without any explanation which itself makes the entire prosecution case doubtful. Petitioners claim clean antecedents.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of anticipatory bail to the petitioners.



6. Considering the facts and circumstances of the case, delay in lodging of the F.I.R., materials that have surfaced during course of investigation and clean antecedents of the petitioners, the prayer for grant of anticipatory bail to the petitioners is allowed.

7. Accordingly, in the event of arrest/surrender within a period of eight weeks from today, let the above named petitioners be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Danapur, Patna in connection with Dulhin Bazar P.S. Case No. 08 of 2013, subject to condition as laid down under Section 482(2) of the B.N.S.S..

(Prabhat Kumar Singh, J)

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