

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38415 of 2015

Arising Out of PS.Case No. -172 Year- 2007 Thana -GOGRI District- KHAGARIA

=====

1. Ramroop Tanti @ Ramrup Tanti son of late Mahadeo Tanti
2. Etwari Tanti Son of Chhotan tanti
3. Laddu Tanti son of late mahadeo Tanti All resident of Village Rampurps.
Gogri, District Khagaria. Petitioner/s

Versus

1. The State of Bi Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Mrityunjay Kumar

For the Opposite Party/s : Mr. Parmanand Pd.(App)

=====

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL ORDER

2 21-09-2015

Heard Sri. Mritunjay Kumar along with Sri. Arun Kumar

Tiwari, learned counsel for the petitioners and learned A.P.P. for the State.

Petitioner No. 1 Ramroop Tanti @ Ramrup Tanti has since been arrested on 16.09.2015, as such, his application for grant of anticipatory bail has become infructuous and thereby his name should be deleted from the said application.

The petitioner Nos. 2 and 3 are apprehending their arrest in connection with S.C. No. 186 of 2011 arising out of Gogri P.S. Case No. 172 of 2007 registered for the offences punishable under Sections 302/34 of the Indian Penal Code and Section 27 of the Arms Act.

The prosecution case as stated by the informant in his fardbeyan before S.I. is that on 4.08.2007, when she was returning home with her parents from the maize field, then on the way three

persons armed with pistol came there and surrounded them and after a while again four persons armed with pistol reached there and caught hold of them. They opened fire on her parents who succumbed to death on the spot. Informant and other co-villagers have seen the occurrence and recognised the accused persons including the petitioners.

It has been submitted by the learned counsel for the petitioners that petitioners were named in the F.I.R. but after investigation the police have found that accusations against them untrue and as such they had not been sent up for trial. It is further submitted that some accused persons were put on trial and in that course a petition under Section 319 of the Cr.P.C. was filed which was allowed by the trial court and accordingly, the petitioners were summoned under Section 319 of the Cr.P.C.

Petitioners are named in the F.I.R. and have committed the murder of the informant's parents, hence I am not inclined to grant privilege of pre-arrest bail to petitioner nos. 2 and 3 Etwari Tanti and Laddu Tanti respectively.

Accordingly, the prayer for anticipatory bail is rejected.

(Nilu Agrawal, J)

sushma/-

U			
---	--	--	--

