

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30553 of 2013

Arising Out of PS.Case No. -38 Year- 2007 Thana -LAKHISARAI District- LAKHISARAI

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1. Mahendra Yadav, S/o Ramji Yadav, Resident of Village- Chanda, P.S.- Bakhtiyarpur, District- Patna
 2. Lachhmi Yadav, S/o Ram Nandan Yadav, Resident of Village- Chanda, P.S.- Bakhtiyarpur, District- Patna
 3. Sharwan Yadav, S/o Ram Nandan Yadav, Resident of Village- Chanda, P.S.- Bakhtiyarpur, District- Patna

.... Petitioners

Versus

1. The State Of Bihar

.... Opposite Parties

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Appearance :

For the Petitioners : Mr. Kamal Kumar Sinha, Adv.

For the Opposite Party : Mr. Mukesh Kr.Singh (App)

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CORAM: HONOURABLE THE CHIEF JUSTICE

ORAL ORDER

7 01-04-2015 The petitioners figured as accused in Lakhisarai P.S. Case No.38 of 2007, wherein offences referable to Sections- 323, 326 and 307/34 of I.P.C. and 27 of the Arms Act were alleged.

Apprehending arrest, the petitioners filed A.B.P. No.313(L)/13, in the court of learned Addl. Sessions Judge, Lakhisarai. The learned Judge rejected the application through order dated 21.6.2013. Hence, this application for grant of anticipatory bail under Section-438 of Cr.P.C.

Heard learned counsel for the petitioners and learned A.P.P. for the State.

The allegation against the petitioners is serious in nature. They are said to have used weapons in committing the crime. It may be true that the allegations need be proved in the trial, at the same time, the investigation cannot be effective unless the persons who are alleged to have committed such offences are arrested. It is rather surprising that the petitioners have not been arrested so far, despite there not being any order of provisional bail by this Court. Hence, the application is dismissed.

It is left open to the petitioners to surrender before the court of Chief Judicial Magistrate, Lakhisarai within one month from today. If they fail to do so, the police shall arrest them and, if the arrest is not effected, the Sr. S.P. of the District shall initiate disciplinary action against the concerned Station House Officer.

(L. Narasimha Reddy,CJ)

K.C.jha/-

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