

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44569 of 2015

Arising Out of PS.Case No. -162 Year- 2015 Thana -SIMRI BAKHTIARPUR District- SAHARSA

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1. Phantush Singh Son of Late Murli Singh Resident of Village - Sardiha Bhamari, P.S.- Bakhtiarpur, District - Saharsa
 2. Manoj Yadav Son of Late Ghoghai Yadav Resident of Village - Saroja Koparia Tola, P.S.- Bakhtiarpur, District - Saharsa
 3. Kapil Yadav @ Phusan Yadav @ Bhushan Yadav Son of Biren Yadav Resident of Village - Saroja, P.S.- Bakhtiarpur, District - Saharsa
 4. Nasir Alam @ Md. Nasir Son of Mastan Mian Resident of Village - Khojuchak, Sonpura, P.S.- Bakhtiarpur, District - Saharsa

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar, Advocate

For the Opposite Party/s : Mr. Bharat Bhushan, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 14-10-2015 Heard learned counsel for the petitioners and learned counsel for the State.

The petitioners seek pre-arrest bail in connection with Bakhtiarpur P. S. Case No. 162 of 2015 registered under Sections 385, 387, 504, 506/34 of the Indian Penal Code as well as Section 27 of the Arms Act.

According to the prosecution case, in the night of 04.05.2015 at about 9.45 p.m. the miscreants opened indiscriminate firing around the wine shop at Saroja. The

informant has alleged that on the eve of Budh Purnima, the shops were closed and nearby people, on hearing firing sound, came at the place of occurrence and saw the miscreants, who had threatening the people present there for paying *rangdari*.

It is contended that except Sections 387 of the Indian Penal Code and 27 of the Arms Act, all other sections mentioned in the FIR are bailable in nature. It is further contended that Gholi Devi, wife of petitioner no. 2 has instituted Bakhtiarapur P. S. Case No. 164 of 2015 against the informant and others under Sections 341, 323, 448, 376, 511/34 of the Indian Penal Code.

Be that as it may, taking into consideration the facts and circumstances of the case, I am not inclined to grant anticipatory bail to the petitioners. Accordingly, the application is rejected. In case, the petitioners surrender and seek bail, the same shall be considered on its own merit without being prejudiced in any manner by this order.

(Ashwani Kumar Singh, J.)

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