

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48014 of 2014

Arising Out of PS.Case No. -94 Year- 2005 Thana -SARAIYA District- MUZAFFARPUR

1. Devendra Sah Son of Late Shital Sah
2. Tarun Sah Son of Sri Devendra Sah Both resident of Village - Gorigama
Dih, P.S. - Saraiya, District- Muzaffarpur.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner/s : Mr. Satyendra Narayan Singh

For the Opposite Party/s : Mr. Nitya Nand Tiwary (App)

CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

3 26-05-2015 Heard learned counsel for the petitioners and the
learned APP for the State.

The two petitioners seek anticipatory bail in connection with Saraiya P.S. case no. 94 of 2005 instituted under diverse penal provisions of the IPC as well as different provisions of the Arms Act.

As per allegation the petitioners intruded into the house and the petitioner no.1 is said to have assaulted the wife and sister of the informant. No serious injury, however, has caused. Petitioner no.2 has not been attributed any overt act.

Contention of the petitioners is that they are neighbours. There is counter version also lodged by petitioner

no.1. It is also submitted that a kind of compromise has been entered between the parties. According to the prosecution case, the petitioner no.1 after assault while escaping left his revolver which was later seized and FIR was lodged. In the matter like this only police officer can lodge an FIR. It is also contended that another co-accused of this case has since been released on regular bail under the same impugned order.

Learned APP for the State points out that the occurrence was committed in the year 2005. After about 10 years the present application has been filed. The petitioners be, in that event, treated as absconders.

Although allegations are not serious but looking to the fact that there is inordinate delay in approaching the Court, in my view, the petitioners should also surrender and seek regular bail before the learned Court below. In case they do so, the learned Court below shall consider and dispose of the same on its own merit uninfluenced in any manner by the present order.

(Kishore Kumar Mandal, J)

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