

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.22721 of 2014

Arising Out of PS.Case No. -375 Year- 2013 Thana -BEGUSARAI MUFFASIL District-
BEGUSARAI

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1. Jito Mahto @ Jitendra Mahto Son of Basdev Mahto
2. Kurra Mahto @ Kuru Mahto Son of Awdhesh Mahto
3. Ram Kumar Mahto Son of Baijnath Mahto
4. Parmanand Mahto Son of Sitaram Mahto
5. Ramakant Mahto Son of Belat Mahto
All Resident of Village-Dhobi Tola, Rachiyani, Police Station-Muffasil
(Singhan) District-Begusarai

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kumar Ranjit Ranjan

For the Opposite Party/s : Mr. Raj Ballabh Singh(App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

5 08-01-2015 Heard learned counsel for the petitioners and learned
counsel representing the State.

Petitioners apprehend their arrest in connection
with Begusarai Muffasil P.S. Case No. 375 of 2013 registered for
the offences punishable under Sections 147, 148, 149, 302 of the
Indian Penal Code and Section 27 of the Arms Act.

Allegedly, the petitioners and others surrounded
Mohan Singh on the road, Kundan Singh caught hold Mohan
Singh and Munna Singh fired shot from the pistol on his head and
the informant identified them in the light of the motorcycle.

Submission is that the petitioners are not the assailant, the identification is doubtful, the petitioners are neighbours and as such they deserve sympathetic consideration as they have got no criminal antecedent to which the learned APP opposes by submitting that the petitioners have been identified and they have encircled the brother of the informant.

In the facts and circumstances stated above and considering the fact that the petitioners have been identified and they have encircled the deceased on the road and as such this Court is not persuaded to grant privilege of pre-arrest bail to the petitioners. Accordingly, their prayer stands rejected.

However, in case and if so advised, the petitioners surrender and pray for regular bail before the court below, then their prayer shall be considered on the basis of specific allegation attributed against them without being prejudiced by the present order.

(Jitendra Mohan Sharma, J)

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