

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31253 of 2014

Arising Out of PS.Case No. -21 Year- 2014 Thana -DHARHARA District- MUNGER

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1. Prabhat Kumar @ Rahul Kumar, son of Sunil Yadav
2. Lalit Yadav, son of Ram Das Yadav
3. Phool Chand Yadav, Son of Ram Das Yadav
All are residents of Birojpur, Pokharia, P.S. Dharhara, District Munger

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Ajit Kumar Singh, Adv.

For the Opposite Party/s : Mr. Iftekhar Mahmood, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

2 29-01-2015 Heard learned counsel for the petitioners and learned counsel representing the State.

The petitioners, apprehending their arrest in connection with Dharhara P.S. Case No. 21 of 2014 registered for the offences punishable under Sections 147, 148, 149, 323, 324, 307 and 504 of the Indian Penal Code and 27 of the Arms Act, seek the privilege of pre-arrest bail.

Allegedly, the petitioner no.1, Prabhat Kumar @ Rahul Kumar being armed with iron Khanti, petitioner no. 2 Lalit Yadav with lathi and petitioner no. 3, Phoolchand Yadav with iron rod assaulted the brother of the informant and when the informant raised alarm the accused persons opened firing in the air and fled

away.

Submission is that there is no specific allegation of committing any overt act. The allegations are omnibus and general in nature. No offence under Section 307 is made out as there was no intervening circumstance. Allegation under the Arms Act is super addition. Sunil Yadav has been allowed regular bail by this Court and there is counter complaint case also, and as such, the petitioners deserve sympathetic consideration, to which the learned counsel for the informant and the learned A.P.P. oppose by submitting that the injury has been found grievous in nature, which is evident from the impugned order itself.

In the facts and circumstances as stated above, finding it not a fit case for pre-arrest bail, such prayer stands rejected.

However, in case and if so advised, the petitioners surrender and seek regular bail then their prayer for regular bail shall be considered on its own merit without being prejudiced by this order.

(Jitendra Mohan Sharma, J.)

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