

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32790 of 2014

Arising Out of PS.Case No. -169 Year- 2014 Thana -BALIA District- BEGUSARAI

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1. Biddu Mishra Son of Late Jata Shankar Mishra
2. Dibra Mishra @ Sharwan Mishra Son of Late Kailash Mishra resident of
village - Fatehpur, P.S. Ballia, District - Begusarai

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sada Nand Ray

For the Opposite Party/s : Mr. A.Dayal (App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

2 02-02-2015 Learned counsel for the petitioners seeks permission to

withdraw the anticipatory bail application of petitioner no.1
(Biddu Mishra).

The prayer is allowed and accordingly anticipatory bail
application of petitioner no.1 is dismissed as withdrawn.

Heard both the sides.

Petitioner no.2 apprehends his arrest in connection with
Ballia P.S.Case No. 169/2014 for the offences punishable under
Sections 448, 379 and 307/34 of the Indian Penal Code and
Section 27 of Arms Act.

Ram Narayan, the informant, alleges that the petitioner
along with other accused persons entered into his house, opened

firing and took away different articles, which were purchased for Gauna of his daughter.

Learned counsel for the petitioner no.2 submits that no offence under Section 307 IPC is made out. All allegations are false and concocted. There is a case and counter case and on perusal of the records it appears that the petitioner along with other accused persons entered into his house. Petitioner no.2 is also alleged to have committed theft and opened firing.

Considering the facts aforesaid, I am not inclined to grant anticipatory bail to petitioner no.2 in connection with Ballia P.S.Case No. 169/2014. Accordingly the prayer is rejected.

The petitioner no.2 is directed to surrender in the court below within four weeks from today and make prayer for regular bail. The court below shall consider the prayer for regular bail of the petitioner no.2 without being prejudiced by this order taking into account the fact that on account of firing, as alleged, by the petitioner no body was injured.

(Prabhat Kumar Jha, J)

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