

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44827 of 2014

Arising Out of PS.Case No. -38 Year- 2014 Thana -THAKURGANJ (PAUKHALI) District-
KISANGANJ

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Anil Shukla, Son of Sri Brahma Sukla, Resident of village- Bhagaucha,
P.S.- Maharajganj, District- Siwan but address wrongly mentioned in F.I.R.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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With

Criminal Miscellaneous No.44941 of 2014

Arising Out of PS.Case No. -38 Year- 2014 Thana -THAKURGANJ District- KISANGANJ

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1. Nazeer S/o Md. Issu Resident of Village Dhelaguri, Police Station Sukhani, District Kishanganj.
2. Azbarul, S/o Late Jaid, Resident of Village Bidhi Bhitha, Police Station Pauwakhali, District Kishanganj.
3. Dev Singh @ Dev Narayan @ Chalu S/o Late Humlal, Resident of Bidhi Bhitha, Police Station Pauwakhali, District Kishanganj.
4. Manoj Kumar @ Manoj Bhandari, S/o Sri Bhawanand, Resident of Village Bhora Bhitha, P.S. Slukhani, District Kishanganj. All petitioner address in the F.I.R. is not proper address.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

(In Cr.Misc. No.44827 of 2014)

For the Petitioner/s : Mr. Uday Bhan Singh, Advocate

For the Opposite Party/s : Mr. Rina Sinha, A.P.P.

(In Cr.Misc. No.44941 of 2014)

For the Petitioner/s : Mr. Uday Bhan Singh, Advocate

For the Opposite Party/s : Mr. Ram Bachan Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH

ORAL ORDER

6 28-08-2015 Heard learned counsel for the petitioners and learned

Assistant Public Prosecutor for the State.

This application for grant of anticipatory bail arises out of Thakurganj (Paukhali) P.S. Case No. 38 of 2014, disclosing offences under Sections 302, 120B,/34 of the Indian Penal Code.

In support of his submission, learned counsel for the petitioners has drawn my attention to an order dated 11.07.2014 passed by this Court in Criminal Miscellaneous No. 15842 of 2014, whereby this Court has allowed the privilege of anticipatory bail to one of the co-accused persons, namely, Deepak Kumar Roy @ Deepak Kumar. Learned counsel for the petitioners has submitted that the petitioners' case is identical to the case of aforesaid Deepak Kumar Roy @ Deepak Kumar. Learned counsel for the petitioners has also submitted that the petitioners never misused the interim protection, granted to him by an order dated 11.07.2014.

Be that as it may, in view of the Supreme Court decision in case of *Jai Prakash Singh vs. State of Bihar and Another reported in (2012)4 SCC 379*, I find it difficult to entertain the submission, made on behalf of the petitioners and, accordingly, this application is rejected.

This Court expects that while considering the petitioners' application for regular bail, the court below shall consider the aspect that one of the co-accused, namely, Deepak

Kumar Roy @ Deepak Kumar has been given privilege of anticipatory bail as well as the fact that there is no allegation that the petitioner has misused the privilege of interim protection, granted to him vide order dated 11.07.2014. I must indicate that I have refused to entertain this anticipatory bail application, keeping in mind that the petitioners may be required for custodial interrogation by the Police.

(Chakradhari Sharan Singh, J)

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