

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39699 of 2014

Arising Out of PS.Case No. -165 Year- 2014 Thana -BIHTA District- PATNA

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1. Awadhesh Choubey Son of Late Ram Parikha choubey
2. Ramesh Choubey, Son of Sri Awadhesh Choubey
3. Umesh Choubey Son of Sri Awadhesh Choubey
All Resident of Village -Banwaripur, P.S.- Bihta in the District of Patna
..... Petitioner/s

Versus

The State of Bihar
..... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anita Kumari Singh, Advocate
For the Opposite Party/s : Mr. Atul Chandra (APP)

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CORAM: HONOURABLE THE CHIEF JUSTICE
ORAL ORDER

3 10-04-2015 The petitioners figured as accused in Bihta P.S.

Case No.165 of 2014 registered for the offences punishable
under Sections 341, 323, 324, 452, 354, 307, 379, 504 read with
34 of the Indian Penal Code. Apprehending their arrest, the
petitioners filed ABP No.19977 of 2014 before the Sessions
Judge, Patna. The same was rejected on 26.08.2014. Hence, this
application for grant of anticipatory bail under Section 438 Cr.
P.C.

Heard learned counsel for the petitioners and
learned Additional Public Prosecutor for the State.

The allegation against the petitioners is that they
attacked the complainant and the persons came for rescue.
However, the petitioners filed another complaint and a case was

registered. The second petitioner, by name Ramesh Choubey, is said to have already been arrested.

This Court is of the view that the petitioners 1 and 3 can surrender before the trial court and move an application for bail on the same day.

Hence, this application is disposed of leaving it open to the petitioners 1 and 3 to surrender before the learned Additional Chief Judicial Magistrate, Danapur in connection with Bihta P.S. Case No.165 of 2014 and move an application for regular bail. If such an application is moved, the same shall be considered, preferably on the same day.

(L. Narasimha Reddy, CJ)

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