

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.44050 of 2015**

Arising Out of PS.Case No. -95 Year- 2015 Thana -MALSALAMI District- PATNA

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1. Rahul Kumar, Son of Raj Kishore Prasad
  2. Sunil Kumar, Son of Late Ram Sharan Lal
  3. Vikram Kumar Son of Sudhir Kumar
  4. Rohit Kumar son of Raj Kishore Prasad
  5. Sudhir Kumar son of Late Ram Sharan Lal All Resident of Mohalla-Marufganj, P.S.- Malsalami, District- Patna.

.... .... Petitioners

Versus

1. The State of Bihar

.... .... Opposite Party

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**Appearance :**

For the Petitioners : Mr. Vinod Pandey  
For the Opposite Party : Mr. Nirmala Kumari(App)

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**CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR**  
**MANDAL**  
**ORAL ORDER**

2      14-10-2015      Heard both sides.

The five petitioners cited in the First Information Report as accuseds vide Malsalami P.S. case no. 95 of 2015 registered under Sections 341,323,325,307, 379/34 of the IPC have prayed for anticipatory bail.

There was a scuffle between the parties. Apprehending retaliation, the informant was put inside the room in the house. It is alleged that these accused persons armed with lathi, danda and rod came and forcibly broke open the door of the room and assaulted him. When the family members came to rescue they were also assaulted.

Contention of the petitioners is that earlier to this the father of petitioner no.1 was lodged a case against the present prosecution side in which the informant as well as the bhabhi of the petitioner no.1 received injuries. In retaliation thereof the present case has been lodged.

Ongoing through the allegation and the manner in which it was committed persuaded this Court not to grant the privilege of anticipatory bail. While declining the prayer, petitioners are directed to surrender and pray for regular bail before the learned Court below. In case they do so the Court below shall consider and dispose of the same on its own merit and pass appropriate order uninfluenced by the present order.

**(Kishore Kumar Mandal, J)**

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