

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42271 of 2015

Arising Out of PS.Case No. -139 Year- 2015 Thana -DURGAWATI District- BHABHUA
(KAIMUR)

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1. Liyakat Khan S/o Late Basir Khan
2. Aslam Khan S/o Late Jamir Khan Both resident of village - Dumari,
P.S. Durgawati, Distt. - Kaimur (Bhabua

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Humayou Ahmad Khan

For the Opposite Party/s : Mr. Anusuiya Jaiswal(App)

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 08-10-2015 Heard learned counsel for the petitioners and learned
counsel for the State.

The present application under section 438 of the
Code of Criminal Procedure has been filed seeking anticipatory
bail in connection with Durgawati P.S. Case No. 139 of 2015
registered for the offences punishable under Sections 147, 148,
149, 341, 307, 302, 504, 506 of the Indian Penal Code and 27 of
the Arms Act.

According to the prosecution case, the accused
persons including the two petitioners having formed unlawful
assembly and being variously armed with deadly weapons came
to the house of the informant and started opening fire. In the

alleged incident, one Masud Khan had sustained injury in his neck as a result of which he died on the spot. One Nasiruddin Khan also sustained bullet injury for which he is undergoing treatment.

It is contended that there is no specific overt act alleged against the petitioners and they have been falsely implicated in the case.

Learned counsel for the State and the learned counsel for the informant have opposed the prayer for anticipatory bail.

Regard being had to the serious nature of allegation, I am not inclined to grant anticipatory bail to the petitioners. Accordingly, the prayer for anticipatory bail is rejected.

(Ashwani Kumar Singh, J)

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