

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32258 of 2015

Arising Out of PS.Case No. -173 Year- 2015 Thana -BAGAHA
District- WEST CHAMPARAN(BETTIAH)

- =====
1. Subhash Sah, S/o Tikoni Sah
 2. Shiv Kumar Sah, S/o Subash Sah
- Both Resident of Village Gandhinagar, P.S. Bagaha,
District- West Champaran.

..... Petitioner/s
Versus
The State of Bihar

..... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Bimlesh Kumar Pandey, Advocate
For the Opposite Party/s : Mrs. Nirmala Kumari(APP)

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

3 03-11-2015 Heard learned counsel for the petitioners and the

learned counsel appearing on behalf of the informant as well as

the learned counsel appearing on behalf of the State.

The petitioners are apprehending their arrest in
connection with Bagaha P.S. Case No.173 of 2015 for
allegedly having committed the offences under Sections 147,
323, 504 and 307 of the Indian Penal Code.

Learned counsel for the petitioners submits that there
is general and omnibus allegation against these petitioners of
having attacked the brother of the informant Birendra Kumar.

Learned counsel appearing on behalf of the
informant, however, submits that the occurrence took place

with much deliberations as while the brother of the informant was taking his bath at the Chapakal, the accused persons came and attacked his brother Birendra Kumar, leading to serious injuries.

Learned counsel appearing on behalf of the State after perusal of the case diary submits that these petitioners along with one Raj Kumar Sah had also participated in the occurrence and the injury purported to have been inflicted was grievous resulting in hospitalization and said Birendra Kumar also had to undergo some operation.

Considering the aforementioned facts and circumstances, I am not inclined to grant anticipatory bail to these petitioners. It is accordingly rejected.

However, if the petitioners surrender in connection with Bagaha P.S. Case No.173 of 2015 in the court of learned A.C.J.M., Bagaha, West Champaran, within a period of two weeks from the date of receipt/production of a copy of this order and pray for regular bail, it shall be open to the court below to consider the case of the petitioner expeditiously, preferably on the same day, on its own merits without being prejudiced by this order as it has been informed that one of the co-accused persons has been extended the privilege of

anticipatory bail by this Court.

(Anjana Mishra, J)

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