

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51397 of 2014

Arising Out of PS.Case No. -28 Year- 2012 Thana -HATHAURI District- MUZAFFARPUR

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1. Sogarath Mahto S/o Late Deo Nandan Mahto
 2. Shiv Jee Mahto S/o Late Satahu Mahto
 3. Kusheshwar Sah S/o Late Sajari Sah
 4. Ram Saran Mandal @ Punit Mandal S/o Gonour Mandal All Resident of Village Narma, P.S. Hathauri, District Muzaffarpur.
 5. Naresh Mandal S/o Rijhan Mandal Resident of Village Adampur, P.S. Hathauri, District Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Surendra Kishore Thakur

For the Opposite Party/s : Mr. Dr. M.K.Gautam(App)

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

2 07-05-2015

In a case registered for the offences punishable under sections 147, 341, 323, 379, 384 and 307 of the IPC the petitioners, five in number, seek anticipatory bail. The case was instituted on 09.03.2012.

It is submitted on behalf of the petitioners, referring to the first information report, that allegation of assault has been made against one Raj Kishore and not against these petitioners. It has been stated in paragraph 3 of the application that petitioners have no criminal antecedent.

I am not inclined to grant the privilege of anticipatory bail to the petitioners as they approached the court for such privilege two years after institution of the first information report knowing well that the case was instituted against them.

This application is, accordingly, rejected.

The petitioners are directed to surrender before learned Chief Judicial Magistrate, Muzaffarpur in Hathauri PS case No. 28 of 2012 within a period of four weeks from today and seek regular bail, if so advised. If they do so, the court below shall consider their prayer for regular bail on its own merit without being prejudiced by rejection of present anticipatory bail application. The court below, while considering regular bail application, will also take into account the fact that this anticipatory bail application has not been rejected on merit rather on the ground that petitioners approached the court below for grant of such privilege belatedly.

(Chakradhari Sharan Singh, J)

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