

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42749 of 2015

Arising Out of PS.Case No. -140 Year- 2015 Thana -SIMRI BAKHTIARPUR District- SAHARSA

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1. Rajesh Sah @ Rajeshwar Prasad Gupta son of Late Dhanik Lal Sah
Resident of Village - Tariyama, Police Station - Bakhtiyarpur, District -
Saharsa.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Satish Kumar Singh

For the Opposite Party/s : Mr. Nagendra Pd.(App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

4 07-12-2015

Heard both sides.

The petitioner apprehends his arrest in a case under
Section 307 and other sections of the Indian Penal Code.

The petitioner is an order giver and on his order other
accused person, namely, Ram Kumar Sah, is said to have fired.
Chandrasekhar and other accused persons are alleged to have also
assaulted the informant and others.

It is submitted that there is no specific allegation of
assault against the petitioner. There is a counter version.

It appears that, of course, the petitioner is order giver
but anticipatory bail petition of other accused persons has already
been disposed of by this court and they have been enlarged on

regular bail.

Considering the facts aforesaid, I am not inclined to enlarge the petitioner on anticipatory bail. Accordingly, the same is rejected.

If the petitioner surrenders in the court below and prays for regular bail, the court below shall consider the prayer for regular bail of the petitioner taking into consideration that similarly situated accused, who are alleged to have assaulted the informant, have already been enlarged on bail and without being prejudiced from the order of this court.

(Prabhat Kumar Jha, J)

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