

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27798 of 2015

Arising Out of PS.Case No. -3 Year- 2015 Thana -MEHUS District- SEKHPURA

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Ram Pravesh Singh Son of Late Lakhan Singh resident of village - Mehus,
P.S. Mehus, District - Sheikhpura

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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with

Criminal Miscellaneous No.31369 of 2015

Arising Out of PS.Case No. -3 Year- 2015 Thana -MEHUS District- SEKHPURA

- =====
1. Kanhaiya Kumar
 2. Shashi Bhusan Kumar @ Chhote Kumar @ Chhotu Kumar Both are
sons of Sri Siya Saran Singh resident of village - Mehus, P.S. - Mehus,
District - Sheikhpura.

.... Petitioners

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

(In Cr.Misc. No.27798 of 2015)

For the Petitioner : Mr. Dr. Anjani Pd. Singh

For the Opposite Party : Mr. Sucheta Yadav(App)

(In Cr.Misc. No.31369 of 2015)

For the Petitioners : Mr. Ravi Ranjan

For the Opposite Party : Mr. Yogendra Kumar(App)

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 28-09-2015 Heard learned counsel for the petitioners and the State.

The petitioners are apprehending their arrest in Mehus

P.S.Case No.03 of 2015 instituted under Sections 302,

147,148,149,341,323,307 and 506 of the Indian Penal Code and

Section 27 of the Arms Act pending in the Court of CJM,

Sheikhpura.

It is alleged by the informant that on 13.03.2015 at 2 P.M. the informant was running his shop and at the same time brother of the informant, namely, Babloo Prasad @ Suresh Kumar was going to Barbigaha market from his house. It is alleged that the accused persons keeping spade in his hand and other accused persons collectively attacked with intention to kill. It is further alleged that all the accused persons have concertedly assaulted as a result of which he become unconscious and victim fell down on earth and bleeding started from nose, ear and mouth after that he was hospitalized and during the course of treatment, the victim died.

It has been submitted on behalf of the petitioners that as per the FIR, there is no specific allegation made against the petitioners, though in course of investigation specific allegation has been attributed against Rishi Kumar. If the said allegation is accepted to be true then also the petitioners have not been attributed with any specific injury caused upon the deceased. It is further submitted that it is a case and counter case between the parties. There is admitted land dispute between the parties and the land is claimed to be in possession of the petitioners.

On behalf of the State, it has been submitted that the

petitioners are named in the FIR. It has further been submitted that the petitioners have actively participated in the alleged crime.

Considering the aforesaid facts, I am not inclined to grant anticipatory bail to the petitioners and the same is rejected.

Anyhow, if the petitioners surrender in the court below within a period of four weeks and pray for regular bail, same shall be considered by the court below on its own merit without being prejudiced by this order of rejection.

(Sudhir Singh, J)

B.Kr./-

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