

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.44553 of 2015

Arising Out of PS.Case No. -276 Year- 2015 Thana -FATUHA District- PATNA

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1. Surendra Prasad @ Shalok Prasad, Son of Ramanand Prasad
2. Karu Prasad, Son of Ramanand Prasad
3. Ramanand Prasad, Son of Rameshwar Yadav
4. Jhunnu Prasad Yadav @ Jhunnu Prasad, Son of Bakhauri Yadav
All Resident of Village - Narayana, P.S.- Fatuha, District - Patna

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Arvind Kumar Mouar, Advocate
For the Opposite Party/s : Mr. Nagendra Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 13-10-2015 Heard learned counsel for the petitioners and learned
counsel for the State.

The petitioners seek pre-arrest bail in connection
with Fatuha P.S. Case No. 276/15 registered under Sections 147,
148, 149, 341, 448, 302, 504 of the Indian Penal Code and
Section 27 of the Arms Act.

It is contended that though the petitioners are named
in the FIR, there is no direct and specific allegation against
them. Referring to the allegations made in the FIR, it is
contended that co-accused Shiv Shankar is alleged to have taken
out Sarita Devi and co-accused Pappu Yadav exhorted upon
which co-accused Bijendra Yadav shot at Sarita Devi, as a result

of which, she died. It is contended that in view of the specific allegations made against co-accused Shiv Shankar, Pappu Yadav and Bijendra Yadav, the implication of the petitioners in the present application is palpably false.

On the other hand, learned counsel for the State has opposed the prayer for grant of anticipatory bail. He has submitted that 15-20 persons including the petitioners, being variously armed with deadly weapon with common intention, started construction work on the land of the informant and when it came to the knowledge of the informant and he protested, the accused persons started indiscriminate firing upon informant and accused Shiv Shankar caught hold of Sarita Devi and taken out and Pappu Yadav ordered to shoot her, whereupon Bijendra Yadav fired upon her and she died.

Regard being had to the serious nature of allegations, I am not inclined to grant anticipatory bail to the petitioners. Accordingly, the application filed under Section 438 Cr. P.C. is rejected.

(Ashwani Kumar Singh, J.)

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