

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.20883 of 2016

Arising Out of PS.Case No. -9 Year- 2015 Thana -KUDHNI District- BHABHUA (KAIMUR)

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1. Gaurav Singh Shakti @ Mithlesh Singh @ Vimlesh Chaudhari son of Vikrama Chaudhari
 2. Bittu Kumar Singh @ Dharmendra Singh, son of Ram Kumar @ Ram Kumar Singh, Both are Resident of village- Bahuwara, P.S.- Kudhani, District- Kaimur (Bhabua)
 3. Ashok Kumar, son of Lalan Prasad Gupta, Resident of village- Sato Avanti, Chaprang, P.S.- Nuwav, Dist.- Kaimur (Bhabhua)

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajesh Kumar Mishra, Adv.

For the Opposite Party/s : Mr. Narendra Kr.Singh(App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

3 20-07-2016 Heard both sides.

The petitioners apprehend their arrest in Kudhni P.S. Case No. 09/2015, registered for the offences punishable under Section 307 and other sections of the Indian Penal Code and Section 3(1)(X) of the SC/ST Act.

The informant alleged that while he was going to school Ghanshyam Kumar Singh and three other persons brutally assaulted him with intention to kill and when Vijaymal came to save him Ghanshyam Kumar Singh also assaulted him.

Learned counsel for the petitioners submits that police did not find the case true under Section 307 of the Indian Penal

Code and submitted charge-sheet under bailable sections of the Indian Penal Code. No offence of Section 3(1)(X) is made out against the petitioners.

It is submitted that petitioners are not named in the F.I.R. During the course of investigation witnesses have disclosed the name of petitioners, although witnesses were not present in the vicinity of the place of occurrence. The informant named only Ghanshyam Kumar Singh and disclosed that three unknown persons were assaulted him. Vijaymal who came to save the informant also disclosed the name of the petitioners and other.

Considering the facts aforesaid and nature of allegation made against the petitioners, I am not inclined to enlarge the petitioners above-named on anticipatory bail. Accordingly, the same is rejected.

If the petitioners surrender in the court below within four weeks from the date of receipt/production of a copy of this order, learned court below shall consider the prayer of regular bail of the petitioners, on its own merit without being prejudiced by this order and if possible, dispose of the same on the same day.

(Prabhat Kumar Jha, J.)

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