

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2022 of 2016

Arising Out of PS.Case No. -141 Year- 2015 Thana -GORIAKOTHI District- SIWAN

=====

1. Hasim @ M. Hasim, Son of Late Ishaque Mian
2. Farukh @ M. Farukh, Son of Late Kashim Mian
Both resident of village - Hayatpur, P.S. G. B. Nagar, District - Siwan
..... Petitioners

Versus

The State of Bihar Opposite Party

=====

Appearance :

For the Petitioner/s : Mr. Anil Chandra, Advocate

For the Opposite Party/s : Mr. R.P.S.Singh, APP

=====

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL ORDER

4 11-04-2016

Heard learned counsel for the petitioners and learned
counsel for the State.

The petitioners seek pre-arrest bail in connection
with Goriakothi (G.B. Nagar) P.S. Case No. 141 of 2015
registered under Sections 341, 323, 325, 307, 379, 504/34 of the
Indian Penal Code and subsequently, 302 of the Indian Penal
Code was added.

It has been contended by the learned counsel for the
petitioners that though there is allegation of assault against the
accused persons named in the FIR, the victim died after two
months in Lucknow and no specific cause of death has been
mentioned in the postmortem report. Considering the aforesaid,

there would be no application of Section 302 of the Indian Penal Code. It is further contended that as a matter of fact the members of the prosecution party were aggressor and they had attacked upon the petitioners for which a counter case has also been instituted.

On the other hand, learned counsel for the State has opposed the application for grant of pre-arrest bail to the petitioners. He has submitted that there is specific allegation in the FIR that the accused persons had assaulted the uncle of the informant who died due to Septicemia in course of treatment and investigation of the case is still going on.

Be that as it may, regard being had to the totality of the facts and circumstances of the case, I am not inclined to grant pre-arrest bail to the petitioners. Accordingly, the application for grant of pre-arrest bail is rejected.

However, in case the petitioners surrender and seek bail, the same shall be considered on merit without being prejudiced in any manner by this order.

(Ashwani Kumar Singh, J.)

Sanjeet/-

U		T	
---	--	---	--