

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5341 of 2016

Arising Out of PS.Case No. -174 Year- 2015 Thana -SULTANGANJ District- PATNA

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1. Tantan @ Tantan Ram, Son of Late Sant Lal Ram
 2. Prabhu Ram, Son of Late Sant Lal Ram
 3. Dashrath Ram, Son of Tantan Ram. All residents of Mohalla - Ambedkar Colony Khadpar, P.S. - Sultanganj, District - Patna.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arvind Kumar Mouar, Advocate

For the Opposite Party/s : Mr. Renuka Ratnakar, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 26-02-2016 Heard learned counsel for the petitioners and learned APP for the State.

Petitioners apprehend arrest in connection with Sultanganj P.S. Case No. 174/15 for offences alleged under Section 302/34 of the Indian Penal Code.

The prosecution case is that on 17.10.2015 at 2.00 P.M. while informant along with his father was standing at his house, saw 8-10 people playing cards and gambling. Informant and his father prohibited them, then the petitioners along with other co-accused abused them. Petitioner no. 2 ordered to assault and all the accused persons including the petitioners assaulted his father with fists and legs, due to which the father of the informant fell

down. When he tried to save him they kept on assaulting, as a result of which his father became unconscious and was taken to the hospital and during treatment he died.

It has been submitted by the learned counsel for the petitioners that they are innocent Government servants and have falsely been implicated in the aforesaid case having no criminal history, as is evident from paragraph 3 of this petition.

Learned APP for the State, however, submits that petitioners are named in the First Information Report and the informant, who is son of the deceased, has seen the occurrence and, hence, they do not deserve the privilege of bail.

Under such circumstances, since the informant, who is the son of the deceased and an eye-witness of the occurrence, as he had seen the occurrence committed by the accused persons including the petitioners, I am not inclined to grant the petitioners privilege of anticipatory bail in connection with Sultanganj P.S. Case No. 174/15, pending in the court of learned Judicial Magistrate, Patna City. Application is, accordingly, rejected.

(Nilu Agrawal, J.)

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