

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5732 of 2016

Arising Out of PS.Case No. -853 Year- 2015 Thana -SAHARSA District- SAHARSA

1. Tuntun Yadav S/o Fodar Yadav
2. Anil Yadav S/O Deep Narayan Yadav
Both residents of Village -Balwa , P.S.-Saharsa , District - Saharsa.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner/s : Mr. Neeraj Kumar, Adv.

For the Opposite Party/s : Mr. A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2 19-02-2016 Heard Sri Neeraj Kumar, learned counsel for the petitioners, learned Addl. Public Prosecutor and Dr. Sanjay Kumar, learned counsel, who has voluntarily appeared on behalf of the informant.

Two petitioners, apprehending their arrest in connection with Saharsa Sadar P.S. Case no. 853 of 2015 registered for the offence under Sections 147, 148, 149, 341, 323, 324, 506, 504, 379, 452 and 307 of the Indian Penal Code, have prayed for grant of anticipatory bail.

It was submitted by learned counsel for the petitioners that though in the F.I.R. it was alleged that both petitioners assaulted with Farsa , during examination by the doctor , no incised injury was found on the person of the injured. He further

submits that other co-accused persons have been extended the privilege of anticipatory bail by the learned court below itself, whereas learned counsel for the informant, opposing the prayer for anticipatory bail of the petitioners, submits that there is specific accusation against both the petitioners regarding participation in the occurrence. He further submits that against the co-accused persons, who have been granted anticipatory bail, there was general and omnibus allegation and, as such, the case of the petitioner may not be equated with the co-accused, who have been granted anticipatory bail.

Besides hearing learned counsel for the parties, I have also perused the materials available on record. On perusal of the F.I.R. the Court is satisfied that it is not a fit case for extending the privilege of anticipatory bail.

The petition stands dismissed.

(Rakesh Kumar, J)

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