

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.14688 of 2016

Arising Out of PS.Case No. -146 Year- 2015 Thana -AHIAPUR District- MUZAFFARPUR

1. Rakesh Kumar S/o Daroga Sahni
2. Santosh Kumar S/o Prem Sahni
3. Amar Jit Kumar S/o Raj Kishore Sahni All resident of village - Kolhua
Paigamberpur, P.S. Ahiyapur, District - Muzaffarpur

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar @ S.K.

For the Opposite Party/s : Mr. Shailendra Kumar No.2 (App)

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

2 29-04-2016 Heard learned counsel for the petitioners and the learned
Addl. Public Prosecutor, appearing on behalf of the State.

This application for grant of anticipatory bail arises out of
Ahiyapur P.S.Case No. 146/2015, disclosing offences under
section 398 of the Indian Penal Code.

Believing a Police Officer on duty, to be a common
man, the accused persons alleged to have attacked upon him for
the purpose of committing loot. Upon seeking the police party,
they attempted to flee away. One of them, namely, Dhiraj Kumar
was arrested, while others could flee away successfully. The said
Dhiraj Kumar has taken names of these petitioners, who were said
to be in possession of country made pistol etc.

Learned counsel for the petitioners has submitted that

from the possession of the said Dhiraj Kumar only broken piece of brick was recovered. He has submitted that the implication of these petitioners is nothing else, but highhandedness of the police personnel. He has also submitted that the petitioners have no criminal antecedent.

However, considering the nature of accusation against these petitioners, I am not inclined to grant them privilege of anticipatory bail since their custodial interrogation may be needed.

This application is, accordingly, rejected.

The petitioners are directed to surrender before the court below within four weeks from today and seek regular bail, if so advised. If they do so, their application for regular bail shall be considered on its own merit, without being prejudiced by rejection of present application for grant of anticipatory bail.

(Chakradhari Sharan Singh, J)

Surendra/-

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