

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.16989 of 2016

Arising Out of PS.Case No. -771 Year- 2015 Thana -TURKAULIYA District-
EASTCHAMPARAN(MOTIHARI)

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1. Rahmat S/O Israil
2. Noorul Hoda S/O Late Muntajir Ahamed
3. Intjarul Haque, Son of Manjarul Haque
4. Rushtam Ali S/O Late Tahir Hussain
5. Saheb Ali son of Sk. Safi Ahmad
6. Ansarul Rahman @ Ansarul Haque son of Sk. Asaralli
7. Anisur Rahman son of Md. Arif
8. Samiullah, son of Sk. Safi Ahamad
9. Sk. Jaffar @ Sk. Jabbar, Son of Sk. Ansarul Haque
10. Faijur Rahman, Son of Sk. Ekbal
11. Sk. Ekbal, Son of Ansarul Haque
12. Anwarul Haque @ Ansarul Haque, Son of Manjarul Haque All Resident
of village- Jaisinghpur Retwa Tola, P.S.- Turkauliya, District- East
Champaran

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ram Adya Singh

For the Opposite Party/s : Mr. Anant Kumar (App)

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR

MANDAL

ORAL ORDER

2 25-04-2016 Heard the counsel for the petitioners and Mr. Shakil
Ahamd khan for the informant as well as the State.

12 out of 29 persons named in the FIR, have prayed for
grant of anticipatory bail. In a nutshell, the case is that the accused
persons variously armed with Lathi, Pharsa, Bhala, iron rod etc.
came and started assaulting the persons present there and as a
result of indiscriminate assault the son received injuries and later

died. The informant has further alleged that all the accused persons after felling of the deceased indiscriminately assaulted with weapons in their hands.

The contention of the petitioners is that specific allegation of assault to the informant or to the deceased is not attributed to the petitioners. There is a counter version of the case lodged by one co accused under section 306 IPC in which some of the accuseds have been granted anticipatory bail.

Counsel for the informant has opposed the prayer and submitted that there is allegation of assault to the deceased attributed to the petitioners. Their presence emboldened the other accused persons. Some of the accused persons, who are similarly situated, have surrendered and granted regular bail.

Considering the seriousness of allegation and the manner it was given effect to, I am not persuaded to extend the privilege of anticipatory bail. Prayer is accordingly rejected.

(Kishore Kumar Mandal, J)

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