

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.42154 of 2016**

Arising Out of PS.Case No. -485 Year- 2016 Thana -SAHARSA District- SAHARSA

Saurabh Kumar son of Shri Janeshwar Yadav, resident of village- Barahi,  
Police Station and District- Madhepura.

.... .... Petitioner

Versus

The State of Bihar

.... .... Opposite Party

With

**Criminal Miscellaneous No.47603 of 2016**

Arising Out of PS.Case No. -485 Year- 2016 Thana -SAHARSA District- SAHARSA

Ajay Kumar son of Shobha Mandal, Resident of Village Gouravgarh P.S.  
Sour Bazar District Saharsa.

.... .... Petitioner

Versus

The State of Bihar.

.... .... Opposite Party

**Appearance :**

(In Cr.Misc. No.42154 of 2016)

For the Petitioner/s : Mr. Durgesh Kumar

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

(In Cr.Misc. No.47603 of 2016)

For the Petitioner/s : Mr. Amarnath Jha

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

**CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR**  
**ORAL ORDER**

3      08-12-2016                      In both the case, petitioners are in custody in  
  
Saharsa Sadar P.S. Case No.485/2016 registered for the offence  
  
under Sections 395, 307/324 of the Indian Penal Code and, as  
  
such, both petitions were heard together and are being disposed of  
  
by common order.

In the first case, i.e. Cr. Misc.No. 42154 of 2016, it



has been argued by Sri Durgesh Kumar, learned counsel for the petitioner that the petitioner was falsely apprehended. He submits that in the present case immediately at the time of occurrence, the police arrived and apprehended four accused persons and, thereafter, the petitioner was arrested from another place and he has been implicated in the present case.

Similarly, in the second case i.e. Cr.Misc.No.47603 of 2016, Sri Amar Nath Jha , learned counsel for the petitioner has argued that it was case of false implication. Learned counsel for both the petitioners have specifically submitted that petitioners are having clean antecedent.

In this case, earlier case diary was called for, which has been received.

Learned Addl. Public Prosecutors after examining the case diary submit that there is a sufficient material against the petitioners.

Besides hearing learned counsel for the parties, I have also perused the materials on record and after perusing the same, the Court is of the opinion that it is not case for grant of bail. Both the aforesaid petitions stand dismissed.

**(Rakesh Kumar, J)**

NKS/-

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