

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32896 of 2016

Arising Out of PS.Case No. -14 Year- 2013 Thana -CHATOUNI
District- EAST CHAMPARAN(MOTIHARI)

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1. Kanhaiya Sahani, Son of Bhuneshwar Sahani
 2. Dhanai Sahani, Son of Bhuneshwar Sahani
 3. Banai Sahani, Son of Bhuneshwar Sahani
 4. Bhuneshwar Sahani, son of Late Sakur Sahani
- All R/o Village- Chhota Bariyarpur, P.S.- Chhatotini
District- East Champaran

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Singh, Advocate
For the Opposite Party/s : Mr. Ajit Kumar, APP

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

2 27-10-2016 Heard learned counsel for the petitioners and the learned
counsel appearing on behalf of the State.

The petitioners have come to this Court apprehending their arrest in connection with Tr. No.846/2015, arising out of Chhatuani P.S. Case No.14 of 2013, as the allegations against them in the F.I.R. have now been enhanced and the offence as alleged has been enhanced to Sections 307 and 302 of the I.P.C. also. The said situation arose on account of the fact that the injured person subsequently succumbed to his injuries.

The allegation thus against the petitioners presently is under Sections 341, 323, 324, 504/34 of the I.P.C. and also Section 307 with Section 302, I.P.C., which has been added, vide

order dated 21.09.2013.

Counsel for the petitioners submits that earlier the petitioners had surrendered before the court below when the charge had not been enhanced and were granted regular bail, for which they have already filed their bail bonds. The subsequent development has led to framing of the fresh allegation under Sections 307 and 302 of the I.P.C. In view of the fact that the petitioners have not misused the privilege of bail granted to them earlier, the petitioners may be extended further relief and granted anticipatory bail in connection with the present allegations.

However, considering all facts and circumstances, it would be appropriate that the petitioners should go and surrender in the court below, i.e., court of the learned Chief Judicial Magistrate, East Champaran at Motihari, in connection with the present case, within a period of four weeks. In case, they so surrender, the court below shall consider their prayer for regular bail in connection with the fresh Sections without being prejudiced by this order.

The application stands disposed of accordingly.

(Anjana Mishra, J)

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