

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49859 of 2015

Arising Out of PS.Case No. -35 Year- 2014 Thana -BAKHTIYARPUR District- PATNA

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1. Hari Rai Son of Late Kokil Rai
 2. Mohan Rai Son of Sudin Rai
 3. Pappu Rai Son of Late Kokil Rai
 4. Basudeo Rai Son of Late Gulila Rai All Resident of Village - Naya Tola, Bakhtiarpur, P.S.- Bakhtiarpur, District - Patna

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Diwakar Sinha, Advocate
For the Opposite Party : Mr. Lalan Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

4 17-02-2016 Heard learned counsel for the petitioners and learned
counsel for the State.

The petitioners are apprehending their arrest in connection with Bakhtiarpur P.S. Case No. 35 of 2014 pending in the Court of ACJM, Barh for the offences instituted under Sections 341, 323, 307, 354, 504, 506 and 379 of the Indian Penal Code.

As per prosecution case the petitioners and four other persons came and petitioner Basudeo Rai ordered to kill informant's brother Ankit Kumar then other accused persons went there but anyhow Ankit Kumar managed to escape from there. Thereafter, on the order of petitioner Basudeo Rai all the accused

persons entered into the informant's house armed with deadly weapon forcibly, accused Soki Rai assaulted with butt of pistol to Dhana Devi on her head and Usha Rai, Sita Rai, Basant Rai, Soli Rai and Ram Prakash Rai committed outrage of modesty upon her mother and they took away gold ear rings of her mother. On protest by Ankit Kumar, then accused persons assaulted him with lathi, farsa and iron rod as a result of which Ankit Kumar sustained head injury in both hands and he fell down and become senseless.

The earlier anticipatory bail of the petitioners was withdrawn which is evident from the order passed in Cr.Misc.No.40602 of 2014 on 23.07.2015. Since the anticipatory bail was withdrawn at the instance of counsel for the petitioners, reasons best known to him, I do not find any reason to entertain the second application for anticipatory bail on behalf the petitioners, the same is disposed of.

If the petitioners surrender in the court below within a period of six weeks from today, the same may be considered on its own merit without being prejudiced by this order and if possible, the same may be disposed of on the same day.

(Sudhir Singh, J)

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