

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39142 of 2016

Arising Out of PS.Case No. -561 Year- 2016 Thana -SAHARSA District- SAHARSA

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1. Md. Akram son of late Nawab Sah
2. Md. Wasim son of Md. Abbas
3. Md. Manowar son of Md. Kalim
4. Md. Ebbo
5. Sahjada
6. Nasir
Petitioners No. 4 to 6 are sons of Md. Islam
7. Zaki Ahmad @ Md. Jakki Ahmad son of Md. Azad
8. Md. Mahfooj
9. Md. Nafish @ Nafish
Both sons of Manjur
All are residents of Mohalla - Gangjala, Fakir Tola, Ward No. 16, P.S. &
District - Saharsa.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Mishra

For the Opposite Party/s : Mr. Sri Nityanand

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2 21-09-2016 Heard Sri Ashok Kumar Mishra, learned counsel for the

petitioners, Sri Nityanand , learned A.P.P. as well as Sri Rama

Kant Sharma, learned senior counsel , assisted by Sri Amarnath

Jha, learned counsel, who has voluntarily appeared on behalf of

the informant.

Nine petitioners, apprehending their arrest in Saharsa

(Sadar) P.S. Case No. 561 of 2016 registered for the offence

under section 147 , 148, 149 341, 323, 384, 386, 307, 379 and 504

of the Indian Penal Code, have prayed for grant of anticipatory bail in the event of arrest or surrender.

It was submitted by learned counsel for the petitioners that on perusal of the F.I.R. itself it appears that a false story has been concocted implicating the petitioners. He submits that of -course in the F.I.R. there is allegation of opening firing but no provision of Arms Act has been incorporated in the F.I.R. Accordingly, he makes a prayer for grant of anticipatory bail.

Learned Additional Public Prosecutor well as learned senior counsel for the informant have opposed the prayer for grant of anticipatory bail. Sri Rama Kant Sharma, learned senior counsel opposing the prayer for grant of anticipatory bail submits that almost all the petitioners are having criminal antecedent save and except petitioner no. 9. He submits that it appears that petitioners are habitual offenders.

Keeping in view the facts and circumstances and the nature of accusation as well as antecedent of the petitioners, the court is of the opinion that they do not deserve the privilege of anticipatory bail.

The petition stands dismissed.

(Rakesh Kumar, J)

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