

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.23243 of 2015

Arising Out of PS.Case No. -176 Year- 2014 Thana -POTHIYA District-
KISANGANJ

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1. Afaque, Son of Late Asaru.
2. Ghulam Mustafa @ Ghulam, Son of late Inad.
3. Qamrul, Son of late Maquebul Hussain.
4. Haroon, Son of late Bada Maquebul.

All resident of Village - Adhikari, Police Station - Parharkatta
(Pothia), District – Kishanganj.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Md. Hussain, Adv.

For the Opposite Party/s : Mrs. Pushpa Sinha 2 (A.P.P.)

For the Informant : Mr. Sarangdhar Jha, Adv.

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**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH**

ORAL ORDER

4 02-02-2016 Heard learned counsel, appearing on behalf of
the petitioners, learned Additional Public Prosecutor,
appearing on behalf of the State and learned counsel,
appearing on behalf of the informant.

This application for grant of anticipatory bail
arises out of Pothia P.S. Case No.176 of 2014, disclosing

offences under Sections 302 and 201/34 of the Indian Penal Code.

It is submitted by learned counsel, appearing on behalf of the petitioners, that there is absolutely no material, which could be collected by the police in course of investigation, disclosing role of these petitioners in commission of the offence. He further submits that there is no chance of the petitioners tampering with the evidence or fleeing from the course of trial.

Learned counsel, appearing on behalf of the informant, has, however, opposed the prayer for bail and submitted that chargesheet against other co-accused persons has been submitted and so far as these petitioners are concerned, chargesheet could not be submitted as they could not be arrested.

Considering the facts and circumstances of the case and the gravity of the offence, I am not inclined to grant the petitioners, abovenamed, the privilege of anticipatory bail.

This application for anticipatory bail is, accordingly, rejected.

The petitioners, abovenamed, are directed to surrender before the court below within a period of four weeks from today and seek regular bail, if so advised. If

they do so, their application for regular bail shall be considered, by the court below, on its own merit without being prejudiced by rejection of present application for grant of anticipatory bail.

The Court expects that the court below shall consider the aspect as to whether any incriminating material could be collected against these petitioners, while considering their prayer for regular bail.

(Chakradhari Sharan Singh, J.)

Praveen-II/-

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