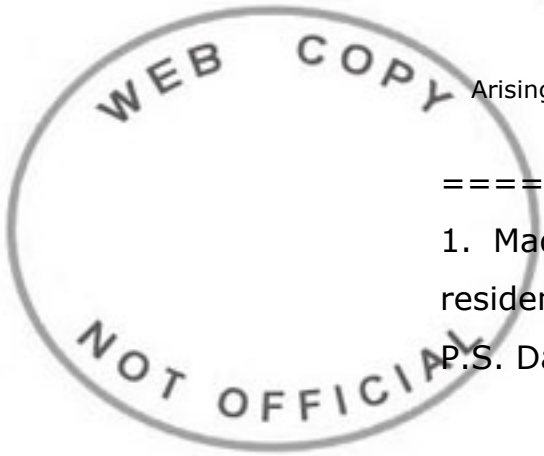




IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.33938 of 2016

Arising Out of PS.Case No. -12 Year- 2016 Thana -DALSINGHSARAI District-
SAMASTIPUR

=====

1. Madan Mohan Prasad, Son of Late Yugal Kishore Lal,
resident of village - Bhagwanpur Chakshekhu, Ward No. 06,
P.S. Dalsingsarai, District – Samastipur.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sachin Kumar, Adv.

For the Opposite Party/s : Mr. Sri Madhuranand Jha, APP
Mr. S.N. Choudhary, Adv.

=====

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

ORAL ORDER

3 22-09-2016 Heard learned counsel for the petitioner,

learned Additional Public Prosecutor for the State and

learned counsel for the informant.

 This application, for grant of anticipatory bail,

arises out of Dalsingsarai P.S. Case No. 12 of 2016

(G.R. No. 20 of 2016), disclosing offences under

Sections 302/34 of the Indian Penal Code and Section

27 of the Arms Act.



Since offence alleged in the First Information Report is under Section 302 of the Indian Penal Code, considering the gravity of the offence and incriminating materials on record, I am not inclined to grant the petitioner, above named, the privilege of anticipatory bail.

This application is, accordingly, rejected.

Learned counsel for the petitioner has submitted that there is no allegation of assault against this petitioner and there is specific allegation against co-accused, namely, Sanjeet Choudhary @ Sanjeet Kumar Choudhary. He has also submitted that some of the co-accused persons have been granted regular bail.

Considering the facts and circumstances of the case, it is directed that if the petitioner, above named, appears before the learned court below within a period of four weeks from today and seeks regular bail, his application for regular bail shall be considered by the learned court below on its own merit without being prejudiced by rejection of present application for grant of anticipatory bail.

It is also observed that learned court below may take into account the fact that similarly situated

other persons have been granted regular bail, while considering the petitioner’s application for regular bail.

(Chakradhari Sharan Singh, J.)

Praveen-II/-

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