

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25107 of 2016

Arising Out of PS.Case No. -32 Year- 2014 Thana -PAUTHU District- AURANGABAD

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1. Ajay Sharma
2. Ashok Sharma Both Sons of late Uttam Sharma
3. Roushan Sharma@ Harinarayan Sharma S/o Vinod Sharma
4. Kundan Sharma S/o Vijay Sharma All Resident of village- Siwan, PS
Pauthu , Dist Aurangabad. Petitioner/s

Versus

1. The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bipin Kumar

For the Opposite Party/s : Mr. Satyendra Prasad (APP)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA

ORAL ORDER

2 16-11-2016

Heard both sides.

The petitioners apprehend their arrest in Pauthu P.S.
case No. 32 of 2014 under Section 307 and other Sections of the
Indian Penal Code and under Section 27 of the Arms Act.

The informant named the petitioners and alleged that
they all made indiscriminate firing only to dispossess the
informant from the land.

It is submitted that there is case and counter case.
Pauthu P.S. case No. 33 of 2014 was registered from the side of
petitioners. The petitioners have purchased the land. The
anticipatory bail petition of the petitioners was earlier rejected
vide order passed in Cr. Misc. No. 6473 of 2015 but thereafter the
police submitted final form finding the case false against the

petitioners and petitioners were not sent up for trial but the learned court below, differing with the finding of the I.O., took cognizance on 17.02.2016. It is further submitted that the accused persons of Pauthu P.S. case No. 33 of 2014 have already been granted anticipatory bail by this court.

Since the prayer for anticipatory bail of the petitioners was earlier rejected on 18.02.2015, I am not persuaded to grant anticipatory bail to the petitioners. Accordingly, the same is rejected.

If the petitioners surrender in the court below, i.e., the learned Chief Judicial Magistrate, Aurangabad in Pauthu P.S. case No. 32 of 2014, the learned court below shall consider the prayer for regular bail of the petitioners taking into consideration that there is case and counter case, although there was allegation of indiscriminate firing but none was injured and accused persons of the counter case have already been granted anticipatory bail and dispose of the bail petition, preferably, on the same day.

(Prabhat Kumar Jha, J)

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