

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4740 of 2016

Arising Out of PS.Case No. -165 Year- 2015 Thana -AADAPUR District-
EASTCHAMPARAN(MOTIHARI)

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1. Rampukar Thakur
2. Nandu Thakur both are Son's of Late Raja Thakur resident of village -
Bhawnari P.S. Adapur, District - East Champaran

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Vijay Shankar Shrivastava

For the Opposite Party/s : Mr. Md. Ashlam Ansari(App)

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

3 26-02-2016 Heard learned counsel, appearing on behalf of the

petitioners, and the learned Addl. Public Prosecutor, appearing on

behalf of the State.

This application for grant of anticipatory bail arises out of

Adapur P.S.Case No. 165/2015, disclosing offences under sections

302/ 201/34 of the Indian penal Code.

Learned counsel for the petitioners submits that similarly

situated co-accused Rupkali Devi has been granted regular bail by

this Court by an order dated 11.1.2016 in Cr.Misc.No. 811/2016.

He submits that there is no direct material to connect the present

petitioners with the offence alleged.

However, considering the Supreme Court decision in the

case of Jai Prakash Singh v. the State of Bihar & Anr., reported in

(2012)4 SCC 379, since the offence alleged is under section 302 I.P.C., I am not inclined to grant the petitioners privilege of anticipatory bail.

This application is, accordingly, rejected.

The points taken on behalf of the petitioners in the present application can be raised on their behalf before the court below for the purpose of seeking regular bail.

The petitioners are, accordingly, directed to surrender before the court below within four weeks from today and seek regular bail, if so advised. If they do so, their application for regular bail shall be considered on its own merit without being prejudiced by rejection of present application for grant of anticipatory bail.

(Chakradhari Sharan Singh, J)

Surendra/-

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