

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9826 of 2016

Arising Out of PS.Case No. -21 Year- 2015 Thana -KURSAKANTA District- ARRARIA

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1. Hanuman Kumar Mahto, Son of Shivji Mahto,
 2. Anil Mahto, Son of Bhivji Mahto, Both residents of Village - Harira, Balchanda, P.S. - Kursakanta, District - Araria.
 3. Birendra Mahto, Son of Sadanand Mahto, Resident of Village - Majhara, P.S. - Laxminiya, District - Morang (Nepal).

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Sanjay Kumar Sharma

For the Opposite Party : Mr. Subash Chandra Mishra (App)

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

2 21-04-2016 Heard learned counsel for the petitioners and the learned A.P.P. for the State.

The petitioners apprehend their arrest in connection with Kursakantta P.S. Case No. 21 of 2015, registered under Section 302/34 of the Indian Penal Code, pending in the Court of Chief Judicial Magistrate, Araria.

The accusation is that ten accused persons named in the F.I.R. including the petitioners assaulted the son-in-law of the informant by means of iron rod, who died in course of treatment.

Learned counsel for the petitioners submits that while the petitioners are named in the F.I.R., but there is no specific overt act against the petitioners. The petitioners having no

criminal antecedent.

Having considered the facts and circumstances of the case and the nature of allegation against the petitioners, I am not inclined to grant anticipatory bail to the petitioners. Accordingly, the prayer of the petitioners for grant of anticipatory bail stands rejected. The petitioners directed to surrender before the trial court within four weeks and pray for regular bail, which would be considered by the trial court in accordance with law without being prejudiced by the order of this Court.

(Rajendra Kumar Mishra, J.)

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