

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46471 of 2015

Arising Out of PS.Case No. -114 Year- 2015 Thana -MINAPUR District- MUZAFFARPUR

- =====
1. Shambhu Rai Son of Dhanu Rai
 2. Gopal Rai Son of Dhanu Rai
 3. Ram Naresh Rai Son of Late Ram Swaroop Rai
 4. Amit Kumar Son of Gopal Rai
 5. Pappu Kumar Son of Gopal Rai All resident of village - Bishunpur Kesho, P.S. Minapur, District - Muzaffarpur

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 01-02-2016 Heard learned counsel for the petitioners and the State.

The petitioners are apprehending their arrest in a case instituted under Sections 147, 148, 149, 341, 323, 307, 353, 224, 225, 504 and 506 of the Indian Penal Code.

The prosecution case is that as per direction the informant along with police force proceeded for raiding and arrested accused Sonu Kumar. Thereafter, petitioners along with other accused persons abused and assaulted the police personnel and forcefully took away the arrested accused Sonu Kumar. The police personnel somehow escaped and saved their lives.

It is submitted on behalf of the petitioners that they have got no criminal antecedents. In course of occurrence, no injury is said to have been caused by any one. Hence, no offence under Section 307 of the Indian Penal Code is attracted in the present case. Petitioners have falsely been implicated in the present case which is evident from perusal of Annexure-2 where the Mukhiya of the Panchayat has stated that the petitioners for oblique reason

have falsely been implicated in the present case.

On behalf of the State, it is submitted that petitioners are named in the F.I.R. and have actively participated in the alleged occurrence.

Considering the aforesaid facts and circumstances, I am not inclined to grant anticipatory bail to the petitioners, same is rejected.

Any how, the petitioners are directed to surrender in the court below, i.e., Chief Judicial Magistrate, Muzaffarpur, in connection with Minapur P. S. Case no. 114 of 2015 within a period of four weeks from the date of receipt of a copy of this order and pray for regular bail which shall be considered and disposed of on its own merit preferably on the same day without being prejudiced by this order.

(Sudhir Singh, J)

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