

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29389 of 2016

Arising Out of PS.Case No. -214 Year- 2015 Thana -PARSABAZAR District- PATNA

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1. Roshan Kumar aged about 21 years, son of Late Dhirendra Kumar
 2. Sunil Kumar aged about 19 years son of Chhote Lal
 3. Chhote Lal aged about 36 years son of Kailash Singh All residents of Village Mokimpur, P.S. Parsa Bazar, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shailesh Kumar

For the Opposite Party/s : Mr. Smt. Sucheta Yadav

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

2 01-09-2016

Heard learned counsel for the petitioners and

learned counsel for the State.

The petitioners apprehend their arrest in connection with Parsa Bazar P.S. Case No. 214 of 2015 registered under sections 147, 148, 149, 324, 326, 307, 302 and 120B of the Indian Penal Code and Section 27 of the Arms Act, pending in the court of Smt. Gayatri Kumari, Additional Chief Judicial Magistrate, Patna.

The petitioners are named in the first information report. While two brothers of the informant were going to the field followed by the informant, it is alleged that three accused persons (not petitioners) surrounded them and started firing. One brother of the informant received injury and fell down on the

ground. The informant and other brother tried to escape but the accused persons chased and another brother was also shot at his temple. He also died. The allegation is that these petitioners were exhorting the accused persons to kill the deceased as well as also firing while chasing the informant and other deceased.

Contention on behalf of the petitioners is that the petitioners are witnesses in the case in which father of petitioner no. 1 was killed by the present prosecution side for which the session trial is going on. In order to exert undue pressure, the present implication has been made. It is also stated by referring to annexure-2 that there is previous animosity.

The learned A.P.P. opposed the prayer that in a ghastly manner the two deceased persons were done to death. The petitioners were not only exhorting others but also engaged in firings as depicted in the first information report itself.

Looking to the seriousness of the offence and the materials on record, I am not persuaded to extend the privilege of anticipatory bail to the petitioners. This application for anticipatory bail is, accordingly, rejected.

(Kishore Kumar Mandal, J)

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