

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.18031 of 2016

Arising Out of PS.Case No. -771 Year- 2015 Thana -TURKAULIYA District-
EASTCHAMPARAN(MOTIHARI)

- =====
1. Sk. Shamim @ Shamim Akhatar Son of Sk. Ahamad
 2. Intesarul Haque Son of Sk Sabir
 3. Ragib Hussain @ Raghieb Hussain Son of Sk. Sabir
 4. Sk. Nurullah Son of Safi Ahamad. All resident of Village- Jaisinghpur
Retwa Tola, Police Station- Turkauliya, District- East Champaran.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ram Adya Singh, Advocate
For the Opposite Party/s : Mr. J.N. Thakur (APP)

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 10-05-2016 Heard learned counsel for the petitioners, learned
counsel for the informant and the learned A.P.P. for the State.

Petitioners apprehend their arrest in connection with
Turkauliya P.S. Case No. 771 of 2015, pending in the Court of
learned Chief Judicial Magistrate, Motihari (East Champaran),
registered for the offence punishable under Section 302 and other
allied sections of the Indian Penal Code and Section 27 of the
Arms Act.

The prosecution case, in brief, is that accused persons
variously armed with *farsa*, *Garasa*, gun and *lathi* came and
started assaulting the persons present there and as a result of

indiscriminate assault, son of the informant received injuries and later succumbed to the injuries. The informant has further alleged that when the deceased fell on the ground, all the accused persons assaulted indiscriminately with weapons in their hands.

It has been submitted by the learned counsel for the petitioners that petitioners are innocent and have not committed any offence. It has further been submitted that there is no specific allegation of assault on the informant or the deceased and a counter case has been lodged with regard to the same occurrence, bearing Turkauliya P.S. Case No. 777 of 2015 against the informant's side.

However, learned counsel for the informant and the learned A.P.P. for the State submit that there is specific allegation of assault on the deceased, which is attributable to the petitioners and some of the accused persons have surrendered and have been granted regular bail. It has further been submitted that anticipatory bail application of some of the accused persons has since been rejected by a Coordinate Bench of this Court in Cr. Misc. No. 16989 of 2016 on 25.04.2016 and the allegations upon the petitioners being specific, they do not deserve grant of anticipatory bail.

Considering the seriousness of the offence as also

specific allegations levelled against these petitioners, I am not inclined to grant the privilege of anticipatory bail to the petitioners. This application is, accordingly, rejected.

(Nilu Agrawal, J.)

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