

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26053 of 2016

Arising Out of PS.Case No. -9 Year- 2015 Thana -PIPRIYA SAHAYAK District- LAKHISARAI

1. Suresh Rai,
2. Lakshmi Rai
3. Rajo Rai
4. Basant Rai All sons of late Gohi Rai, resident of village: Karari-Piparia,
PS: Piparia, District: Lakhisarai

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nand Kishore Singh

For the Opposite Party/s : Mr. Sri Bharat Lal

CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL
ORAL ORDER

2 15-07-2016 Heard Mr. Sharma for the petitioners and Mr. M. Dayal,

APP for the State.

Two dates of occurrence have been mingled by the informant in the present case which was filed initially as a complaint and later treated as an F.I.R. The first date of occurrence is 24.02.2015 in relation to intrusion into the house and committing theft whereas the second occurrence relates to the occurrence committed on 07.06.2006 which constitute offence(s) under Sections 420, 461, 471 and other allied sections of Indian Penal Code and Section 27 of the Arms Act.

Counsel for the petitioners has pointed out that in relation to occurrence committed on 07.06.2006, the names of the petitioners do not figure any where. The learned Court below upon

filing of charge-sheet has taken cognizance under sections 406, 420, 427, 323 and 504/34 of the Indian Penal Code and issued summons. It is submitted that the learned Sessions Judge while rejecting the bail in the impugned order has noted the entire penal provisions for which the occurrence was committed and, therefore, it is submitted that the bail application has been filed.

Indisputably, cognizance of the case has been taken under Sections 420, 427, 323 and 504/34 of the Indian Penal Code and summons have been issued.

This Court finds that none of the offence under which the cognizance has been taken is punishable with either death or life imprisonment. Considering the view expressed by this Court in 2015 (1) PLJR 806, I decline grant of anticipatory bail leaving the petitioners to surrender and seek bail in the Court below itself. If they do so, the same shall be considered and disposed of in accordance with law.

The application is disposed of.

(Kishore Kumar Mandal, J)

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