

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32274 of 2016

Arising Out of PS.Case No. -175 Year- 2016 Thana -UDWANTNAGAR District- BHOJPUR

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1. Rahul Kumar, son of Sri Shivlal Ram
 2. Kamlesh Ram, son of Sri Shyam Lal Ram
 3. Vikash Kumar, son of Sri Shivlal Ram
 4. Butan Ram, son of Sri Shivlal Ram
 5. Jyotish Kumar Ram, Son of Late Rajendra Ram. All are residents of Village- Dariyapur, Police Station Udwant Nagar, in the district of Bhojpur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Akhileshwar Prswad Singh, Sr. Advocate
Mr. Prabhu Narayan Sharma, Advocate

For the Opposite Party/s : Mr. Sri Nityanand, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

2 29-08-2016 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

This application for grant of anticipatory bail arises out of Udwant Nagar P.S. Case No. 175 of 2016, disclosing offences under Sections 302/34 of the Indian Penal Code and Section 27 of the Arms Act.

Learned Senior Counsel appearing on behalf of the petitioners has submitted that there is no eye witness to the occurrence and no incriminating material could be collected in course of investigation, justifying implication of these petitioners.

Since custodial interrogation of these petitioners may

be required, I do not find it to be a fit case, for grant of privilege of anticipatory bail to the petitioners in view of Supreme Court decision in case of *Jai Prakash Singh vs. State of Bihar and Another reported in (2012)4 SCC 379*.

Accordingly, this application for anticipatory bail is, hereby, rejected.

The petitioners are directed to surrender before the court below within four weeks and seek regular bail, if so advised. If they do so, their application for regular bail shall be considered on its own merit without being prejudiced by rejection of present application for grant of anticipatory bail.

(Chakradhari Sharan Singh, J)

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