

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.15822 of 2016

Arising out of PS.Case No. -167 Year- 2012 Thana -BATHNAHA District- SITAMARHI

- =====
1. Lalit Yadav @ Lalit Yadava, S/o Mohan Rai.
 2. Bhola Raut, S/o Bindeshwar Raut. Both are resident of Village - Sirsia, P.S. - Bela, District – Sitamarhi.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Uday Kumar, Advocate.

For the Opposite Party : Mr. Hirday Prasad Singh (App)

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 16-05-2016 Heard learned counsel for the petitioners and learned
counsel for the State.

The petitioners are apprehending their arrest in connection with Bathnaha P.S. Case No. 167 of 2012 for the offences instituted under Section 394 of the IPC.

The prosecution story, in brief, is that the informant alongwith Anil Thakur were returning their homes from Sitamarhi on Motorcycle and when they reached near brick-kiln at village- Surgahia at 7.15 P.M., four miscreants on two motorcycles came on road, stopped their motorcycle and one of them fired upon them from his pistol which was misfired. The miscreant assaulted the informant from the butt of the pistol and snatched the key of

his motorcycle and ATM Card, Driving License, Pan Card and Voter I-Card, Mobiles with SIM and cash Rs. 3000/- from his possession alongwith his motorcycle. One of the miscreants assaulted his friend Anil Thakur with belt and looted away cash Rs. 1500/- from his possession and fled away towards Kumma.

It has been submitted on behalf of the petitioners that the petitioners have got no criminal antecedent. The petitioners are not named in the FIR. Merely on the basis of suspicion they have been made accused in the present case. There is no other circumstantial evidence to suggest the implication of the petitioners in the present case.

On behalf of the State it has been submitted that FIR has been registered against unknown and involvement of the petitioners can only be ascertained after the petitioners have been put on T.I.P. The other co-accused has already been granted regular bail by this Court vide Cr. Misc. No. 25303 of 2014.

Considering the aforesaid facts and circumstances, I am not inclined to grant anticipatory bail to the petitioners. The same is rejected in Bathnaha P.S. Case No. 167/2012, pending in the court of the learned C.J.M., Sitamarhi. Anyhow, if the petitioners surrender in the court below the same shall be considered on its own merit without being prejudiced by this order taking into

account that the other co-accused has already been granted regular
bail by this Court preferably on the same day.

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(Sudhir Singh, J)

