

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.22690 of 2016

Arising Out of PS.Case No. -101 Year- 2015 Thana -BARHARA District- BHOJPUR

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1. Dileshwar Rai, son of Late Punit Rai, Resident of Village- Suratpur, P.S.- Doriganj, District- Saran (Chhapra) and present residing at village- Rouja P.S.- Nagar (Town) Chhapra, District- Saran (Chhapra)

.... Petitioner/s

Versus

1. THE STATE OF BIHAR

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar

For the Opposite Party/s : Mr. B.M.P.Sinha(App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

3 26-07-2016 Heard both sides.

The petitioner apprehends his arrest in Barhara P.S. case No. 101/2015 under Section 302 and other sections of the Indian Penal Code and under section 27 of the Arms Act.

The informant named 13 persons, including the petitioner, and alleged that they all, having armed with different weapons, came to the filed of informant and begun to fire. The informant and others hid themselves. Thereafter, Baleshwar Rai came and fired at his grand father, Gopal Pandey, and Dineshwar Rai snatched his rifle.

The learned counsel for the petitioner submits that, of course, the petitioner is named in the FIR but no specific

allegation is made against him but it appears that anticipatory bail petition of co-accused Chhapit Rai and others have been disposed of vide order dated 30.06.2015 passed in Cr. Misc. No. 25508 of 2015 and similarly situated accused Dineshwar Rai and others and Upendra Rai have been granted regular bail. The case of petitioner stands on same footing as that of Chhapit Rai and others as there was no specific allegation against them also.

Considering the facts aforesaid, I am not inclined to enlarge the petitioner on anticipatory bail. Accordingly, the same is rejected.

If the petitioner surrenders in the court below, i.e., learned C.J.M., Bhojpur, Ara and prays for regular bail, the learned court below shall consider the prayer for regular bail of the petitioner taking into consideration that similarly situated accused have already been granted regular bail.

(Prabhat Kumar Jha, J)

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