

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.52277 of 2015

Arising out of PS.Case No. -133 Year- 2015 Thana -HARSIDHI District- EAST
CHAMPARAN(MOTIHARI)

- =====
- 1. Sunil Ram, Son of Shobha Ram.
 - 2. Bipin Ram, Son of Botu Ram.
 - 3. Botu Ram, Son of Savela Ram.
 - 4. Kishun Ram, Son of Sadai Ram. All residents of village Bhatiyaria (Raji English) P.S. Harshidhi, District- East Champaran.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioners : Mr. Jagdish Prasad, Advocate.

For the Opposite Party : Mr. Jagdhar Prasad (App)

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 10-02-2016 Heard learned counsel for the petitioners and learned
counsel for the State.

The petitioners are apprehending their arrest in connection with Harshidhi P.S. Case No. 133 of 2015 for the offences instituted under Sections 147, 148, 323, 324, 307, 379, 354 and 504 of the IPC.

The prosecution story, in brief, is that on 20.04.2015, the informant was repairing his hut at 7.00 A.M. on the same day, in the meantime, altogether five persons including the petitioners, resident of his same village, came at the door of the informant having armed in their hands. It is further alleged that the petitioner

Sunil Ram threatened to kill the informant upon which the informant asked the reason about killing. Thereafter, all the accused persons asked to kill the informant then the petitioner Sunil Ram assaulted with Farsa on the head of the informant and he got injury and raised alarm then the family members of the informant came there. It is further alleged that co-accused Suresh Ram thrown the iron rod on the Birnal Ram and he got injury on his head. It is further alleged that the petitioner Bipin Ram and Kishun Ram also snatched her *Mangalsutra* amounting to Rs. 8,000/- and the petitioner Botu Ram taken away Rs. 2500/- from the pocket of the informant.

It has been submitted on behalf of the petitioners that the petitioners were granted bail by the police.

Considering the aforesaid facts and circumstances of the case, the anticipatory bail application of the petitioners is not maintainable in connection with Harsidhi P.S. Case No. 133/2015, pending in the court of the learned C.J.M., East Champaran at Motihari. Anyhow, if the petitioners surrender in the learned court below the same shall be considered without being prejudiced by this order in view of ratio laid down in the case of Mahendra Prasad Singh Vs. The State of Bihar, reported in 2004(3)P.L.J.R. 491.

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(Sudhir Singh, J)