

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.7287 of 2016

Arising Out of PS.Case No. -303 Year- 2012 Thana -GOPALPUR District- BHAGALPUR

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1. Hari Mistri S/o Late Uttam Mistri
 2. Rajesh Mistri S/o Laddu Mistri
 3. Santosh Mistri S/o Laddu Mistri
 4. Laddu Mistri S/o Ramkishun Mistri All resident of village- Bari Makandpur, P.S.- Gopalpur, District- Bhagalpur

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Ashok Kumar Yadav, Advocate
For the Opposite Party : Mr. Pushpa Sinha, APP

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 06-04-2016 Heard learned counsel for the petitioners and learned counsel for the State.

The petitioners are apprehending their arrest in connection with Gopalpur P.S. Case No. 303 of 2012 pending in the Court of ACJM, Naugachia, District-Bhagalpur for the offences instituted under Sections 147, 149 and 302 of the Indian Penal Code.

As per prosecution case the informant on 18.09.2012 at 8.00 A.M. was in orchard with her husband at the same time the accused persons named in the FIR forming an unlawful assembly came and assaulted her husband with *lathi* and fists and injured him. It is alleged that co-accused Subhash Mistri assaulted her

husband with iron rod. On raising alarm the nearby people assembled then the accused persons fled away. After that the informant took him to the hospital where in course of treatment he died.

It has been submitted on behalf of the petitioners that the petitioners have falsely been implicated in the present case. There is no specific injury attributed against the petitioners. General and omnibus allegation has been made against them. The specific allegation is against Subhash Mistri.

On behalf of the State, it has been submitted that the petitioners are named in the F.I.R. and they have actively participated in the alleged occurrence.

Considering the aforesaid facts and circumstances of the case, I am not inclined to release the above named petitioners on anticipatory bail, the same is rejected.

Anyhow, if the petitioners surrender in the court below within a period of four weeks, the same shall be considered on its own merit without being prejudiced by this order.

(Sudhir Singh, J)

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