

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.10516 of 2016

Arising Out of PS.Case No. -100 Year- 2015 Thana -MAJHAULIA District-
WESTCHAMPARAN(BETTIAH)

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1. Mukhi Sahani

2. Asheshar Sahani, Both sons of Late Dharman Sahni, Resident of village-
Dhab Tola, P.S.- Paharpur, District- East Champaran.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar

For the Opposite Party/s : Mr. Pradeep Narain Kumar (APP)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR

JHA

ORAL ORDER

3 08-03-2017

Heard both sides.

The petitioners apprehend their arrest in Majhauiliya
P.S. case No. 100 of 2015 under Section 302, 120B/34 of the
Indian Penal Code and under Section 27 of the Arms Act.

The informant alleged that petitioners and others
have threatened his son, Manoj Mishra, to kill. The accused
persons, including the petitioners, also made an attempt to kill his
son for which Paharpur P.S. case No. 114 of 2014 was registered.
On the date of occurrence, Dinesh Lal Srivastava took the son of
informant for Panchayati but he did not return and his dead body
was found.

The learned counsel for the petitioners submits that
save and except suspicion, there is no material against the
petitioners. The deceased himself was a veteran criminal. The



petitioners have falsely been implicated in Paharpur P.S. case No. 114 of 2014. Similarly situated accused Anil Sahni and Allaudin Mian have already been granted anticipatory bail by this court vide order dated 21.09.2015 passed in Cr. Misc. No 25192 of 2015 but on perusal of the records, I find that the informant and other witnesses have stated that petitioners were running after Manoj Mishra, the deceased. The petitioners earlier made attempt to kill Manoj Mishra for which Paharpur P.S. case No. 114 of 2014 was registered against the petitioners and others. It appears that petitioners have got criminal antecedent and from paragraph 3 of the petition it appears that a dozen cases are pending against the petitioners under different Sections of the IPC, including Section 302, 395 and other Sections of the IPC and Arms Act. The proviso of Section 438 of the Cr. P. C. says that a person having criminal antecedent should not be granted anticipatory bail.

Having considered the facts aforesaid, I am not inclined to enlarge the petitioners on anticipatory bail. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J)

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