

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.7650 of 2017

Arising Out of PS.Case No. -253 Year- 2015 Thana -DARIYAPUR District- SARAN

- =====
1. Manoj Baitha,
 2. Chhoten Baitha, Both sons of Late Bhikhari Baitha, Resident of Village-Barbe, P.S.- Dariyapur, District- Saran at Chapra.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dewendra Narayan Singh

For the Opposite Party/s : Mr. M. Dayal, APP

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

3 15-03-2017 Heard learned counsel for the petitioner and Mr. M. Dayal APP for the State.

This is repeat application filed on behalf of both the petitioners seeking anticipatory bail in connection with Dariyapur P.S. case no. 253 of 2015, registered under Sections 302, 201/34 of the IPC and 3/4 of the Dian Act.

Their prayer for anticipatory bail was considered and rejected on 23.05.2016 in Cr. Misc. No. 10687 of 2016. It is submitted that one another co-accused of the present case was put on trial and acquitted vide judgment dated 26.10.2016 passed in Sessions Trial No. 306 of 2016/354 of 2016(New). The case having not been proved in respect of another co-accused, the



petitioners deserve the anticipatory bail.

Mr. Dayal, APP, on the other hand, opposed the prayer and submits that the petitioners would be treated as absconders in the eye of law.

Considering the facts and circumstances of the case, I am not inclined to extend them the privilege of anticipatory bail. Prayer is, accordingly, rejected.

Let the petitioners surrender and pray for bail before the learned Court below. In that event the Court below shall consider and dispose of the same on its own merit without being prejudiced by the present order.

(Kishore Kumar Mandal, J)

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