

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.18918 of 2017

Arising Out of PS.Case No. -9 Year- 2017 Thana -AMBA District- AURANGABAD

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1. Alok Prajapati @ Alok Kumar, Son of Krishna Prajapati,
2. Ajeet Prajapati, Son of Krishna Prajapati.
3. Binod Prajapati, Son of Chanarik Prajapati.
4. Sahdeo Prajapati, Son of Balkeshwar Prajapati.
5. Parshuram Prajapati, Son of Munarik Prajapati,
6. Manoj Kumar Prajapati @ Manoj Prajapati, Son of Sahdeo Prajapati,
All are resident of Village- Narhar Amba Tola Kumhar Bigha, P.S. Amba,
District- Aurangabad.

.... Petitioners

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Sunil Kumar Dubey, Advocate

For the Opposite Party : Mr. Sri Ajay Kumar Jha (APP)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 23-06-2017 It is submitted that during pendency of this criminal miscellaneous petitioner no. 3 (Binod Prajapati) has been arrested and, as such, prayer of pre-arrest bail on his behalf has become infructuous, accordingly this application for pre-arrest bail on behalf of the petitioner no.3 (Binod Prajapati) stands dismissed as withdrawn.

Heard learned counsel for the petitioners, learned counsel for informant and learned counsel representing the State.

The petitioners apprehend their arrest in connection with Amba P.S. Case No. 09 of 2017 registered for the offences punishable under Sections 147, 148, 149, 341, 323, 307, 302, 504,



506 of the Indian Penal Code.

Allegedly, the petitioners and others started assaulting the informant and his brother with lathi and danda and further Krishna Prajapati assaulted Sitaram Prajapati on his head which caused bleeding and serious injury and he succumbed to the injury and when the villagers came, all the accused persons fled away causing threats.

Submission is of false implication and that the petitioners are not the assailant, the assailant is Krishna Prajapati and, as such, the petitioners deserve sympathetic consideration as there is case and counter case and both sides have received injuries.

The learned A.P.P. duly assisted by the learned counsel for the informant opposes the prayer of pre-arrest bail by submitting that the petitioners have also assaulted the informant and his brother and there was common intention to commit murder further seven persons have been injured and one has been killed

In the facts and circumstances as stated above, considering that it is not a fit case for pre-arrest bail and, as such, their such prayer for pre-arrest bail stands rejected.

However, the petitioners are directed to surrender in the court below within 06 (six) weeks and pray for regular bail and



then their prayer of regular bail shall be considered, without being prejudiced by the order of this court, preferable on the same day on its own merit.

(Jitendra Mohan Sharma, J.)

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