

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 22593 of 2017

Arising Out of PS.Case No. -21 Year- 2017 Thana -SHAHPUR District- BHOJPUR

- =====
1. Bhupendra Rai @ Bhupendra Kumar Rai.
 2. Dharmendra Kumar Rai @ Dharmendra Rai.
 3. Amrendra Rai @ Vickky.
 4. Raju Rai.

All sons of Late Rajendra Rai, residents of Village- Damodarpur, Police Station- Shahpur (Bahoranpur OP), in the District of Bhojpur.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 06-07-2017

Heard learned counsel for the petitioners, learned A.P.P. for the State and learned counsel for the informant, who has *suo motu* appeared.

2. The petitioners apprehend arrest in Shahpur (Bahoranpur OP) P.S. Case No. 21 of 2017 dated 19.02.2017 instituted under Sections 341/323/307/120B of the Indian Penal Code and 27 of the Arms Act.

3. The allegation against the petitioners along with one other co-accused is of general assault and specific against the other co-accused of firing on back by country made pistol.

4. Learned counsel for the petitioners submitted that there is specific allegation of firing against Dhirendra Rai and not against the petitioners. It was further submitted that there is enmity between the



parties as the informant is accused of killing the father of the petitioners and petitioner no. 1 is the informant of the said case. Learned counsel submitted that there being past enmity, they have been falsely implicated and at least, in the present case, the allegation is general and omnibus and only of assault.

5. Learned A.P.P. and learned counsel for the informant submitted that the other co-accused is alleged to have fired on the back of the informant and injury report corroborates the same where there is incised wound and charring on the back and the petitioners being present, and in fact the allegation of them first coming there and circling the informant, clearly indicates that there was common intention and thus, they are equally liable for the consequences and also responsible for committing the said crime.

6. Considering the facts and circumstances of the case and submissions of learned counsel for the parties, the Court is not inclined to enlarge the petitioners on anticipatory bail.

7. Accordingly, the application stands dismissed.

8. The interim order dated 07.06.2017 stands vacated.

(Ahsanuddin Amanullah, J.)

P. Kumar

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