

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47258 of 2016

Arising Out of PS.Case No. -229 Year- 2015 Thana -PHULWARI District- PATNA

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1. Shiv Govind Rai & Ors son of late Tunna Rai
 2. Ganauri Rai son of late Raghuni Rai
 3. Kameshwar Rai @ Kameshwar Prasad son of Videshi Rai
 4. Naresh Rai @ Ram Naresh Rai son of Ganauri Rai
 5. Nawal Rai son of Sita Ram Rai
 6. Awadhesh Kumar son of Togendra Rai All resident of Vill-Alampur
Gonpura. P.S. Phulwari Sharif , District- Patna

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rama Kant Sharma, Sr. Advocate
Mr. Md. Anis Akhtar, Advocate

For the Opposite Party/s : Mr. Kanhaiya Kishore, A.P.P.

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**

ORAL ORDER

3 23-01-2017 Heard the learned counsel for the petitioners as well
as the learned A.P.P. for the State.

In this application for anticipatory bail the petitioners apprehend their arrest in connection with Phulwari Sharif P.S. Case No. 229 of 2015 for the offences punishable under sections 302 and 341 of the I.P.C.

The petitioners are not named in the FIR, their names transpired during course of investigation, the witnesses have named the petitioners as well as other accused persons who also assaulted the deceased.

Submission is of false implication and that the deceased was a thief and had come to steal the animals but on



chase one person was apprehended and the entire villagers assaulted the thief who died during course of treatment, it appears that during course of investigation many witnesses have stated that the petitioners are also assailant of the deceased, similarly situated four co-accused have been granted regular bail.

In the facts and circumstances as stated above, I am not inclined to enlarge the petitioners on anticipatory bail and accordingly their such prayer stands rejected in connection with the aforementioned case pending in the court of Smt. Seema Erram, J.M. 1st Class, Patna.

However, the petitioners, if so advised, surrender before the court below within four weeks from the date of receipt/production of a copy of this order and pray for regular bail then their prayer for regular bail shall be considered taking into consideration that co-accused who is named in the FIR has been granted regular bail and the case of the petitioners stands on the same and similar footing. The court below shall dispose of the bail petition preferably on the same day.

(Jitendra Mohan Sharma, J)

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