

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.411 of 2017

Arising Out of PS.Case No. -121 Year- 2016 Thana -GARAUL District- VAISHALI(HAJIPUR)

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1. Kameshwar Rai, son of Late Newa Rai,
2. Umesh Paswan, son of Surendra Paswan,
3. Birendra Rai, son of Late Haribansh Rai,
4. Saurav Rai, son of Birendra Rai,
5. Raja Kumar @ Raja Kumar Rai @ Avinash Kumar, s/o Lutan Rai, All
are resident of Village - Mohamadpur Pojha, P.S. - Garaul, District -
Vaishali.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Thakur
Mr. Nilesh Kumar

: Mr. Babita Kumari
For the Opposite Party/s : Mr. Dr. Rabindra Kumar

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 16-01-2017 The petitioners are apprehending their arrest in

connection with Goraul P.S. Case No. 121 of 2016, registered for

offences punishable under Sections 302 & 34 of the Indian Penal

Code.

It has been submitted on behalf of the petitioners that

though petitioners are named in the F.I.R but from perusal of

F.I.R. it appears that there is no eye-witness to the alleged

occurrence and the petitioners' name has come in this case only on

the basis of suspicion. It has further been submitted that the

petitioners have no criminal antecedents.



Heard learned A.P.P. also.

Having heard both sides, in view of the fact that in the impugned order itself it is mentioned that several witnesses have named these petitioners alleging that the petitioners have beaten the deceased to death on the allegation of theft, in my opinion it is not a fit case for grant of anticipatory bail, it is accordingly rejected.

However, if the petitioners surrender before the Court below and pray for regular bail, the Court below shall consider the prayer of the petitioners, on its own merit without being prejudiced by the order of this Court.

(Vinod Kumar Sinha, J)

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