

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34959 of 2017

Arising Out of PS.Case No. -28 Year- 2017 Thana -AGHORA District- BHABHUA (KAIMUR)

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1. Balwant Singh @ Balwan Singh, S/o Late Bihari Singh, R/o Village- Adhaura, P.S.- Adhaura, District- Kaimur at Bhabua.
 2. Rajesh Singh Son of Ram Narayan Singh, R/o Village- Bhuiphor, P.S.- Adhaura, District- Kaimur at Bhabua.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Tribhuwan Narayan

For the Opposite Party/s : Mr. Sri Uday Pratap Singh

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA

ORAL ORDER

2 10-08-2017 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 Adhaura P.S. Case No. 28 of 2017/ G.R. No. 1307 of 2017 for the offences punishable under sections 147, 149, 323, 307, 379, 333, 225 and 427 of the I.P.C.

Allegedly, the petitioners and other co-accused after breaking the lock of Hajat and after assaulting Vinod Kumar Singh, the forest guard, freed the arrested accused Manish Kumar and damaged the property of forest guest house. They also took away mobile, wrist watch, golden chain and cash of Rs. 3100/-



from Vinod Kumar Singh. The staffs identified the petitioners and others.

Submission is of false implication and that there is no specific allegation against the petitioners, there is general and omnibus allegation against all the accused persons, the alleged identification appears doubtful and as such the petitioners deserve sympathetic consideration.

The learned A.P.P. opposes prayer for pre-arrest bail of the petitioners.

In the facts and circumstances as stated above, considering the allegation attributed against the petitioners, I am not inclined to grant privilege of pre-arrest bail to them and accordingly their such prayer stands rejected in connection with the aforementioned case pending in the court of A.C.J.M. Kaimur at Bhabua.

However, in case and if so advised, the petitioners surrender and seek regular bail then their prayer for regular bail shall be considered on its own merit without being prejudiced by this order, preferably on the same day.

(Jitendra Mohan Sharma, J)

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