

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4872 of 2018

Arising Out of PS. Case No.-592 Year-2017 Thana- HILSA District- Nalanda

1. Kapil Mochi, s/O Basant Mochi,
2. Manish Kumar, S/o Awadhesh Ram,
3. Naresh Das, S/o Basant Mochi, all resident of village- Chandrakura, P.S. Karai- Parshurai, District- Nalanda.

... .. Petitioners

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr. Sunil Prasad, Advocate

For the Opposite Party : Mr. Tarun Prasad Mandal (APP)

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA

ORAL ORDER

2 06-02-2018

Heard learned counsel for the petitioners and

learned counsel representing the State.

The petitioners apprehend their arrest in connection with Hilsa P.S. Case No. 592 of 2017, registered for the offences punishable under Sections 323, 147, 341, 504, 506, 353 and 379 of the Indian Penal Code.

Allegedly, as soon as the informant came out from the meeting, the petitioners and other co-accused along with 30 unknown surrounded him and after abusing and taking his caste name snatched the key of the motorcycle and cash of Rs. 2000/- and assaulted brutally, the other staffs and local people saved his life otherwise they would have been killed him, they also caused threats to kill him later on.

Submission is of false implication and that there is no specific allegations against the petitioners. The allegations are



omnibus and general in nature. The informant was allegedly attacked by a mob and the petitioners have been falsely named. Similarly situated co-accused Soni Devi and Champa Devi have been allowed pre-arrest bail vide Cr. Misc. No. 58691 of 2017 and, as such, the petitioners also deserve sympathetic consideration.

The learned A.P.P. opposes the prayer of pre-arrest bail by submitting that those two co-accused being ladies have been allowed privilege of pre-arrest bail.

In the facts and circumstances as stated above, considering the allegations attributed against the petitioners, I am not inclined to grant privilege of pre-arrest to them and accordingly their such prayer stands rejected in connection with Hilsa P.S. Case No. 592 of 2017, pending in the Court of learned Additional Chief Judicial Magistrate- 1st, Hilsa (Nalanda).

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

(Jitendra Mohan Sharma, J.)

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