

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.25410 of 2018

Arising Out of PS.Case No. -178 Year- 2017 Thana -
KOCHAS District- SASARAM (ROHTAS)

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1. Birendra Sah @ Bijendra Sah, S/o Late Jagamath Sah,
R/o Vill.- Mahavirganj, P.S.- Kochas (Parsathua), District-
Rohtas.
2. Umesh Chandra Gupta, S/o Late Deo Charan Sah, R/o
Vill.- Tiyyara, P.S.- Rajpur, District- Buxar.
3. Shivanand Gupta, S/o Late Rama Shankar Gupta, R/o
Mohalla- New Area, Mangla Bhawan, P.S.- Town (Sasaram),
District- Rohtas.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Saket Tiwary, Adv.

For the Opposite Party/s : Mr. Indra Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

2 04-05-2018 Heard the learned counsels for the petitioners,
informant and the State.

The petitioners seek bail in anticipation of their
arrest in connection with Kochas (Parsathua) P.S. Case No.
178 of 2017, dated 17.11.2017, instituted for the offences
punishable under Sections 341, 323, 307, 302, 120B, 109



and 504 of the Indian Penal Code and Section 27 of the Arms Act.

Because of old land dispute, it has been alleged in the First Information Report, the petitioners came to the house of the informant and started looking for him. When the father of the informant did not oblige by telling them as to where was the informant hiding, the accused persons assaulted and fired at the father of the informant. Later, one of the petitioners also fired at the head to the mother of the informant. One of the parents of the informant, viz. his father died. The mother of the informant could anyhow survive.

Mr. Mayank Shekhar, learned Advocate appearing for the petitioners, has drawn the attention of this Court to the fact that the informant and the deceased are veteran criminals and the possibility of the father of the informant having been killed in some other transaction, cannot be ruled out.

This is not a ground for this Court to be persuaded to grant anticipatory bail to the petitioners who have been alleged to have resorted to firing, leading to death of one person and serious injury to the other.

Learned counsel for the petitioners has further intimated this Court that the informant and the deceased



both were caught by the police traveling in a train without valid ticket and, therefore, they were fined.

This Court wonders as to how the aforesaid submission of the learned counsel for the petitioners would be relevant for considering their case for anticipatory bail.

There is no merit in this petition. The same is, accordingly, dismissed.

(Ashutosh Kumar, J)

Praveen-II/-

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