

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28131 of 2018

Arising Out of PS.Case No. -49 Year- 2016 Thana -NIMCHAKBATHANI District- GAYA

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1. MD. UJAIR KHAN @ UJAIR KHAN S/o Zubair Khan
2. Umar Khan @ Md. Umair Khan S/o Zubair Khan
3. Barho Khan @ Akhtar Khan S/o Late Hamid Khan All residents of
Village - Horidih, P.S. - Neemchak Bathani, District - Gaya.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kiran Sinha

For the Opposite Party/s : Mr. Sri Umesh Lal Verma

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 17-05-2018 Heard the parties.

The petitioners are apprehending their arrest in connection with Neemchak Bathani P.S.Case No.49 of 2016 dated 2.5.2016 registered for offences punishable under Sections 147, 148, 149, 188, 171C, 323, 379, 307 and 353 of the Indian Penal Code and Sections 35, 25(1-B)/A, 26 and 27 of the Arms Act.

Allegation against the petitioners as per FIR is that the C.O. on information of booth looting and firing reached near the Booth Nos.48 and 48A of village Horidih and he caught hold five persons and from them arms were recovered, however, the co-accused disclosed the name of the petitioners, as such petitioners are also named in the FIR but nothing has been recovered from



them. It further appears that in para no.3 of the petition it has been mentioned that they are accused in several other cases also.

Submission of the learned counsel for the petitioner is that so far this case is concerned there is absolutely nothing against them except disclosure made by the co-accused. So far criminal antecedent is concerned, they are on bail in those cases.

Heard learned A.P.P. also, who has opposed the prayer for bail.

Having heard both sides and in view of nature of allegation as well as criminal antecedent, I am not inclined to grant privilege of the anticipatory bail, however, let the petitioners surrender before the learned court below within a period of four weeks from the date of receipt of the order and make prayer for regular bail, which will be considered on the basis of materials available on the record without being prejudiced by the order of this court.

With the aforesaid direction, this application is dismissed.

(Vinod Kumar Sinha, J)

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