

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.56748 of 2017

Arising Out of PS. Case No.-263 Year-2014 Thana- GHORASAHAN District- East
Champaran

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1. Kishori Rai S/o Mangal Rai
2. Jitendra Rai @ Jitendra Kumar S/o Rajinan Rai
Both Resident of Village-Barka Pakri, P.S.-Lakhaura, District-
East Champaran Petitioners

Versus

The State of Bihar Opposite Party

Appearance :

For the Petitioner/s : Mr. Binod Kumar Singh

For the Opposite Party/s : Mr. SRI MANOJ KUMAR - 1

**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**

ORAL ORDER

3 16-01-2018 Heard learned counsel for the petitioners and learned APP
for the State.

The petitioners apprehend their arrest in connection with
Ghorasahan (Lakhaura) P. S. Case No. 263 of 2014 registered
for the offences punishable under Sections 147, 149, 342, 323,
379, 448, 504, 506, 457, 380 of the Indian Penal Code.

Allegedly, earlier Allah Paswan, the son of the informant,
was shot dead and to compromise the case the petitioners and
other FIR named accused persons along with about 20 unknown
persons being armed with gun, rifle, lathi, spear and farsa
attacked on the house of the informant started abusing and tied
the informant in peg and thereafter, looted away utensils,
ornaments and damaged the house.

Submission is of false implication and that there is no



specific allegation against the petitioners, no injury has been caused to the informant, there was no source of identification and alleged identification appears doubtful, the petitioners have been made victim of circumstances and as such the petitioners deserve sympathetic consideration.

Learned APP opposes the prayer of pre-arrest bail by submitting that during course of investigation also name of the petitioners surfaced in committing the crime.

In the facts and circumstances stated above, considering the allegations attributed against the petitioners, this Court is not inclined to grant privilege of pre-arrest bail to the petitioners and accordingly, their such prayer stands rejected.

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

(Jitendra Mohan Sharma, J)

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