

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.53816 of 2018

Arising Out of PS. Case No.-57 Year-2018 Thana- BANGAWON District- Saharsa

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1. Gaurav Kumar Mishra, S/o Sundra Kant Mishra.
 2. Saurav Kumar Mishra, S/o Sundar Kant Mishra.
 3. Amit Kumar Jha @ Lola, S/o Late Munna Jha. All are residents of village - Bangaon Uttari, P.S. - Bangaon, District - Saharsa.

... .. Petitioners

Versus

The State of Bihar.

... .. Opposite Party

Appearance :

For the Petitioners	:	M/S. Pramod Mishra and V.K. Mukul, Advocates.
For the Opposite Party	:	M/S. Nityanand Tiwary, Madhav Jha and Anshuman Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

4 26-11-2018 Heard learned counsel for the petitioners, learned counsel for the informant and learned A.P.P. for the State.

The petitioners are apprehending their arrest in a case for the offence registered under Sections 341, 342, 323, 325, 307, 379, 363, 364, 504 and 506/34 of the IPC.

The prosecution story, in brief, is that the petitioners alongwith unknown co-accused persons on the point of pistol, kidnapped, abused and assaulted the informant with Hockey Stick.

It has been submitted by learned counsel for the petitioners that the petitioner no. 3 has got no criminal antecedent. There is no allegation of tampering with the



witnesses alleged against the petitioners. There is no substantive evidence to suggest the implication of the petitioners in the present case. Nature of injury is said to be simple. Hence, no offence under Section 307 of the IPC is made out.

On behalf of the learned counsels for the State and informant, it has been submitted that the petitioners are named in the F.I.R. and specific allegation of assault is alleged against the petitioners. The victim was confined in the custody of the petitioners. The petitioner nos. 1 and 2 have got criminal antecedent.

Considering the aforesaid facts and circumstances, I am not inclined to grant anticipatory bail to the petitioners. The same is rejected in connection with Bangaon P. S. Case No. 57/2018, pending in the court of learned A.C.J.M. Ist, Saharsa. Anyhow, if the petitioners surrender and pray for regular bail in the learned court below, the same shall be considered on its own merit without being prejudiced by this order of the Court.

(Sudhir Singh, J)

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