

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.66804 of 2018

Arising Out of PS. Case No.-16 Year-2014 Thana- ISUAPUR District- Saran

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1. Phulchand Prasad @ Phulchandra Prasad, Son of Vishwanath Prasad,
 2. Shatrodhan Prasad @ Shatrohan Prasad, Son of Mokhtar Prasad, Resident of Village- Fenhara Gaddi, Police Station- Isuapur, District- Saran at Chapra.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Narendra Kumar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

3 17-12-2018 Heard learned counsel for the petitioners and the State.

The petitioners apprehend their arrest in connection with Isuapur P.S. Case No. 16 of 2014 for the offence under Sections 328, 302 and 201/34 of the Indian Penal Code.

Learned counsel for the petitioners submits that the petitioners have got no criminal antecedent. He further submits that similarly circumstanced other co-accused, namely, Sheo Parsan Raut, has been granted anticipatory bail by a Co-ordinate Bench of this Court vide order dated 29.06.2018 in Cr. Misc. No. 32220 of 2018.

Learned APP appearing on behalf of State submits that the Viscera report confirms the consumption of poison. He



further submits that the petitioners were found taking liquor along with the deceased and the petitioners have approached this Court after four long years, as the case was registered in 2014.

Considering the objection raised by the counsel for the State by referring the case diary, the Court is not inclined to grant privilege of anticipatory bail to the petitioners. Accordingly, their prayer for grant of anticipatory bail is rejected.

In the event, the petitioners surrender before the court below and pray for regular bail, the court below is directed to dispose of the application for grant of bail on the same day on its own merit without being influenced by the rejection of anticipatory bail application by this Court. While taking the decision, the court below is required to consider the fact whether the allegation against these petitioners are identical to the case of co-accused, who has been allowed anticipatory bail in Cr. Misc. No. 32220 of 2018.

(Anil Kumar Upadhyay, J)

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