

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.72503 of 2018

Arising Out of PS. Case No.-61 Year-2018 Thana- SHAMBHUGANJ District- Banka

1. Nishikant Jha, S/o Late Laxmi Kant Jha
2. Ajit Jha @ Ajit Kumar Jha, S/o Late Laxmi Kant Jha, Resident of Village-Badi Khajuri, Ramchua, P.S. Shambhuganj, District Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pranav Kumar Jha

For the Opposite Party/s : Mr. Jagdhar Prasad

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 20-12-2018 Heard the learned counsel for the petitioner, the informant and the State.

The petitioners seek bail in anticipation of their arrest in connection with Shambhuganj P. S. Case No. 61 of 2018 dated 05.04.2018 which was initially instituted for the offences under Sections 147, 148, 149, 341, 323, 307 and 504 of the Indian Penal Code but with the death of one Shanti Devi who was injured in the occurrence, Section 302 of the I.P.C. was added.

The occurrence arose because of the informant (deceased) having protested against the accused persons urinating in front of his house. This led to an attack on him



and others who came to his rescue. Shanti Devi (deceased) had also come to the rescue of the informant and others.

Learned counsel for the petitioners has submitted that there is absolutely no specific accusation against the petitioners and the death, though unfortunate, was never intended.

However, taking into account the fact that two other accused persons having similar allegations against them have been granted regular bail, I am not inclined to grant anticipatory bail to the petitioners for the sake of parity.

The prayer for anticipatory bail is rejected.

The petition is accordingly dismissed.

Should the petitioners surrender before the court below and seek regular bail, the court below shall consider this aspect of the matter and shall pass orders in accordance with law without being prejudiced with the fact that the present petition has not been entertained.

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(Ashutosh Kumar, J)

