

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30256 of 2019

Arising Out of PS. Case No.-1026 Year-2010 Thana- MADHEPURA COMPALINT CASE
District- Madhepura

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1. Bambhola Sharma Son of Ganga Sharma Resident of Village - Laxmipur Lalchand Tola, Kamla Kund, P.S.- Bihariganj, District - Madhepura
 2. Lakru Sharma Son of Ganga Sharma Resident of Village - Laxmipur Lalchand Tola, Kamla Kund, P.S.- Bihariganj, District - Madhepura
 3. Sukkan Sharma @ Sukan Sharma Son of Ganga Sharma Resident of Village - Laxmipur Lalchand Tola, Kamla Kund, P.S.- Bihariganj, District - Madhepura
 4. Dalo Sharma Son of Late Jagti Sharma Resident of Village - Laxmipur Lalchand Tola, Kamla Kund, P.S.- Bihariganj, District - Madhepura
 5. Khedan Sharma Son of Dalo Sharma Resident of Village - Laxmipur Lalchand Tola, Kamla Kund, P.S.- Bihariganj, District - Madhepura
 6. Dabloo Jha Son of Shaligram Jha Resident of Village - Laxmipur Lalchand Tola, Kamla Kund, P.S.- Bihariganj, District - Madhepura
 7. Kiran Devi Daughter of Shaligram Jha Resident of Village - Laxmipur Lalchand Tola, Kamla Kund, P.S.- Bihariganj, District - Madhepura
 8. Nand Kishore Mandal Son of Late Ganpati Mandal Resident of Village - Laxmipur Lalchand Tola, Kamla Kund, P.S.- Bihariganj, District - Madhepura
 9. Umesh Mandal Son of Late Mohan Mandal Resident of Village - Laxmipur Lalchand Tola, Kamla Kund, P.S.- Bihariganj, District - Madhepura

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sudhir Mandal Son of Bhuneshwar Mandal, Resident of Village - Kamla Kund, P.S.- Bihariganj, District - Madhepura

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Praveen Kumar Agrawal
For the Opposite Party/s : Mr.Jagdhara Prasad

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 09-05-2019 Heard both sides.

The petitioners apprehend their arrest in Complaint



Case No.1026 of 2010 for the offences allegedly committed by the petitioners under Sections 323, 379, 380, 448 and 149 of the Indian Penal Code.

The learned counsel for the petitioners submits that the complainant made allegation of assault and theft in the complaint petition but the entire allegation is false and concocted.

It appears from perusal of records that the complaint petition was filed in the year 2010. After enquiry, learned court below found prima facie to proceed against the accused persons and issued summons, thereafter non-bailable warrant of arrest was issued. The processes under sections 82 and 83 of the Cr.P.C. have already been exhausted against the petitioners. The petitioners moved this court after eight years from the date of filing of the complaint petition.

Having considered the facts aforesaid, I am not inclined to enlarge the petitioners on anticipatory bail. Accordingly, the same is rejected.

If the petitioners surrender before the court below, the court below shall consider the prayer for regular bail of the petitioners on its own merit without being prejudiced from the



order of this court and if possible, dispose of the bail petition preferably on the same day.

Harish/-

(Prabhat Kumar Jha, J)

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