

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40964 of 2019

Arising Out of PS. Case No.-48 Year-2019 Thana- MAHINDWARA District- Sitamarhi

1. MD. MOSIM Son of Md. Hasan Resident of Village-Mouna, P.S.-Mahindwara, District-Sitamarhi.
2. Md. Sajid Son of Md. Hasan Resident of Village-Mouna, P.S.-Mahindwara, District-Sitamarhi.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Virendra Kumar

For the Opposite Party/s : Mr.Madhuri Lata

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 03-07-2019

Heard learned counsel for the parties.

This application for anticipatory bail arises out of Mahindwara P.S. Case No. 48 of 2019 for the offence under Sections 147, 148, 149, 448, 341, 323, 504 and 302 of the Indian Penal Code.

Learned counsel appearing on behalf of the petitioners has submitted that there is general and omnibus allegation of assault made against all the persons named in the First Information Report.

The petitioners are named in the First Information Report and it has been alleged that all the persons named in the First Information Report assaulted the informant's father with *lathi* and *danda*, because of which he succumbed to injuries.



Considering the gravity of the offence, in the light of Supreme Court's decision in the case of ***Jai Prakash Singh vs. State of Bihar***, reported in **(2012) 4 SCC 379**, I am not inclined to grant the petitioners privilege of anticipatory bail.

The petitioners are directed to surrender before the Court below within a period of four weeks from today and seek regular bail, if so advised. If they do so, their application for regular bail shall be considered by the learned Court below on its own merit without being prejudiced by rejection of present application for grant of anticipatory bail.

(Chakradhari Sharan Singh, J)

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