

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43566 of 2019

Arising Out of PS. Case No.-15 Year-2019 Thana- SONBERSA District- Saharsa

1. MD. USMAN Son of Late Amirbakas @ Bauka Resident of Village - Haripur, P.S.- Sonbarsha Raj, Dist.- Saharsa.
2. Md. Mustak Son of Md. Kalim Resident of Village - Haripur, P.S.- Sonbarsha Raj, Dist.- Saharsa.
3. Md. Jabbar Son of Late Manohar Resident of Village - Haripur, P.S.- Sonbarsha Raj, Dist.- Saharsa.
4. Md. Bablu Son of Md. Jabbar Resident of Village - Haripur, P.S.- Sonbarsha Raj, Dist.- Saharsa.
5. Md. Arsad @ Arsad Son of Md. Jabbar Resident of Village - Haripur, P.S.- Sonbarsha Raj, Dist.- Saharsa.
6. Rafika Khatun Wife of Md. Usman @ Atwari Resident of Village - Haripur, P.S.- Sonbarsha Raj, Dist.- Saharsa.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sheo Kumar Prasad

For the Opposite Party/s : Mr.Amit Kumar Rakesh

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 16-07-2019 Heard learned counsel for the parties.

This is an application for grant of anticipatory bail in Sonbarsa Raj P.S. Case No. 15 of 2019, disclosing offence under Section 302/34 of the Indian Penal Code.

Considering the seriousness of the offence alleged and, keeping in mind the Supreme court's decision in case of *Jai Prakash Singh Vs. State of Bihar* and another reported in (2012) 4 SCC 379, I am not inclined to grant these petitioners



the privilege of anticipatory bail.

It is evident from the statement made in paragraph 3 of the application that the petitioners, except petitioner Nos. 2,5 and 6 have criminal antecedent. In my view, the petitioners do not deserve privilege of anticipatory bail.

This application is accordingly, dismissed.

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

Arun/-

(Chakradhari Sharan Singh, J)

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