

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8661 of 2020

Arising Out of PS. Case No.-684 Year-2014 Thana- KATIHAR District- Katihar

1. JAI SINGH BEGANI Son of Sri Bimal Singh Begani Resident of Mohalla - Amla Tola, P.S.- Katihar Town, District- Katihar
2. Laxmi Prasad Begani @ Lachhu Singh Begani Son of Shobha Chand Begani Resident of Mohalla - Amla Tola, P.S.- Katihar Town, District- Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raghvendra Kumar Singh

For the Opposite Party/s : Mr.Md. Matloob Rab

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 08-09-2020 The present petition has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID 19 Pandemic, requiring social distancing.

Heard the learned counsel for the petitioners, Shri Pramod Kumar Singh, learned counsel appearing for the informant and Shri Matloob Rab, learned A.P.P. for the State.

The petitioners apprehend their arrest in connection with Katihar P.S. Case No. 684 of 2014 for the offence registered under Sections 341, 323, 324, 307/34 of the Indian Penal Code.

The case of the prosecution in brief is that in the night of 23.10.2014, the informant had gone to perform *Puja* in his shop



on the eve of *Diwali*, whereupon he saw some persons having assembled near his shop whereafter the said persons are stated to have assaulted the informant and his brother and during the course of occurrence one of the miscreants had fired upon the informant.

The learned counsel for the petitioners has submitted that the petitioners are innocent, they have been falsely implicated in the present case and are having clean antecedents. It is further submitted that at best the petitioners can be stated to be members of the mob but there is no specific allegation of them having either assaulted the informant or having fired on him.

Per contra, the learned A.P.P. for the State has vehemently opposed the prayer for bail.

I have heard the learned counsel for the parties, perused the materials on record as also gone through the case diary from which it is apparent that there are enough materials in the case diary which have been collected during the course of investigation so as to prima facie constitute the offence alleged and in fact there is direct allegation against them. Moreover, this Court finds that the petitioners have been absconding since more than five years inasmuch as the FIR is stated to have been registered on 24.10.2014 and the petitioners have approached



this Court only in the year 2020 and that too for grant of anticipatory bail. Thus, it appears that the petitioners do not have any fear of law. Thus, this Court does not find any reason to grant anticipatory bail to the petitioners herein especially in view of the injuries sustained by the injured person.

Accordingly, the present petition stands dismissed.

(Mohit Kumar Shah, J)

S.Sb/-

U		T	
---	--	---	--

