

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.28711 of 2020**

Arising Out of PS. Case No.-515 Year-2018 Thana- MUFFASIL District- West Champaran

1. MAHMOOD ALAM @ MAHMOOD MIAN @ MOHAMMAD MIAN Son of Ash Mohammad Mian Resident of Village- Bari Tola, P.S.- Bettiah Muffasil, District- West Champaran
2. Ash Mohammad Mian @ Ash Mohammad Son of Sahebjan Mian Resident of Village- Bari Tola, P.S.- Bettiah Muffasil, District- West Champaran
3. Menaj Alam @ Minhaj Alam Son of Ash Mohammad Mian Resident of Village- Bari Tola, P.S.- Bettiah Muffasil, District- West Champaran
4. Aftab @ Aftab Alam Son of Serajul Mian @ Serajul Resident of Village- Bari Tola, P.S.- Bettiah Muffasil, District- West Champaran

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Manoj Kumar, Advocate

For the Opposite Party/s : Mr. Rajesh Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 09-11-2020 Learned counsel for the petitioners undertakes to remove all the defects pointed out by the Stamp Reporter within four weeks after start of normal functioning of the Court.

This is the second attempt of the petitioners to obtain anticipatory bail in connection with Bettiah Muffasil P.S. Case No. 515 of 2018 registered under Sections 147, 148, 149, 341, 342, 452, 323, 324, 325, 307, 379, 427, 109 of the Indian Penal Code.

Earlier prayer for anticipatory bail of these petitioners was rejected after noticing that there are specific allegations of assault against these petitioners who were allegedly lashed with the deadly weapons. This Court had observed that if the petitioners surrender in



the learned court below and pray for regular bail within the aforesaid period, their prayer for regular bail shall be considered by the learned court below. The earlier order was passed on 22.02.2019, the petitioners have not surrendered in the court below and after one year eight months petitioners have filed this application once again.

There is no merit in this application, no change of circumstance has been shown and learned counsel for the petitioners having sensed this difficulty, at the outset sought permission to withdraw this application.

This Court is of the view that the conduct of the petitioners in not submitting themselves to the jurisdiction of the Court during all these periods cannot be appreciated, the Court refuses to give any further observations as has been sought by learned counsel for the petitioners in the matter of surrender and praying for regular bail in the court below. The law will take its course.

The application is dismissed.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

