

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30924 of 2020

Arising Out of PS. Case No.-1147 Year-2015 Thana- AHIYAPUR District- Muzaffarpur

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1. Rajesh Kumar @ Rajesh Bhagat, male, aged about 28 years, S/o Sri Brahmdeo Bhagat, Resident of Village-Mahmudpur, P.S.-Ahiyapur, District-Muzaffarpur.
 2. Tarun Kumar, male, aged about 25 years, S/o Vishwanath Choudhary, Resident of Village-Mahmudpur, P.S.-Ahiyapur, District-Muzaffarpur.
 3. Brahmdeo Bhagat, male, aged about 58 years, S/o Jagdish Bhagat, Resident of Village-Mahmudpur, P.S.-Ahiyapur, District-Muzaffarpur.
 4. Munna Kumar @ Munna Kumar Singh, male, aged about 34 years, S/o Awadh Kishore Prasad, Resident of Village-Shivraha Chaturbhuj, P.S.-Ahiyapur, District-Muzaffarpur.
 5. Rakesh Kumar, male, aged about 36 years, S/o Satya Narayan Azad, Resident of Village-Shivraha Chaturbhuj, P.S.-Ahiyapur, District-Muzaffarpur.
 6. Ravin Kumar, male, aged about 46 years, S/o Baidya Nath Prasad, Resident of Village-Ganghoti, P.S.-Ahiyapur, District-Muzaffarpur.
 7. Vijay Kumar Bhagat @ Vijay Prasad, male, aged about 35 years, S/o Sukan Bhagat, Resident of Village-Khemaipatti, P.S.-Ahiyapur, District-Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mithilesh Kumar, Adv.

For the Opposite Party/s : Mr. Dilip Kumar No. 1, APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR



ORAL ORDER

2 23-12-2020 Heard Mr. Mithilesh Kumar, learned counsel for the petitioners and the learned APP for the State.

The petitioners seek bail in anticipation of their arrest in connection with Ahiyapur P.S. Case No. 1147 of 2015, dated 24.12.2015, instituted for the offences under Sections 147, 149, 341, 323, 307, 379, 504 and 506 of the Indian Penal Code.

It has been submitted on behalf of the petitioners that way-back in the year 2015, they were noticed by the police under Section 41 of the Code of Criminal Procedure and they were allowed to go to their homes. Much later, after cognizance in the case has been taken, the petitioners apprehend their arrest.

This Court is not inclined to exercise his discretion for grant of anticipatory bail to the petitioners.

The prayer for grant of anticipatory bail of the petitioners is, accordingly, rejected.

However, if the petitioners surrender before the Court below and seek regular bail, the Court below shall



consider the case on its own merits, taking into account that the petitioners were noticed by the police and were not taken into custody and that they never misused the aforesaid privilege, and shall pass orders in accordance with law, without being prejudiced by the fact that the present anticipatory bail application has not been entertained by this Court.

(Ashutosh Kumar, J)

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