

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32660 of 2020

Arising Out of PS. Case No.-163 Year-2016 Thana- KOTWA District- East Champaran
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1. ABID MIAN Son of Late Molajim Miyan Resident of Village- Bishunpur, P.S.- Kotwa, (Bhopatpur O.P.), District- East Champaran, at Motihari.
2. Hawaldar Mian Son of Late Hedayat Miyan Resident of Village- Bishunpur, P.S.- Kotwa, (Bhopatpur O.P.), District- East Champaran, at Motihari.
3. Jauwad Mian Son of Late Hedayat Miyan Resident of Village- Bishunpur, P.S.- Kotwa, (Bhopatpur O.P.), District- East Champaran, at Motihari.
4. Gani Mahammad Son of Guli Miyan Resident of Village- Bishunpur, P.S.- Kotwa, (Bhopatpur O.P.), District- East Champaran, at Motihari.
5. Kalamuddin Mian Son of Guli Miyan Resident of Village- Bishunpur, P.S.- Kotwa, (Bhopatpur O.P.), District- East Champaran, at Motihari.
6. Sagir Alam Son of Guli Miyan Resident of Village- Bishunpur, P.S.- Kotwa, (Bhopatpur O.P.), District- East Champaran, at Motihari.
7. Noor Hassan Son of Guli Miyan Resident of Village- Bishunpur, P.S.- Kotwa, (Bhopatpur O.P.), District- East Champaran, at Motihari.
8. Bhutan Alam Son of Guli Miyan Resident of Village- Bishunpur, P.S.- Kotwa, (Bhopatpur O.P.), District- East Champaran, at Motihari.
9. Thuri Mian Son of Bhola Miyan Resident of Village- Bishunpur, P.S.- Kotwa, (Bhopatpur O.P.), District- East Champaran, at Motihari.
10. Samshad Alam Son of Janwad Miyan Resident of Village- Bishunpur, P.S.- Kotwa, (Bhopatpur O.P.), District- East Champaran, at Motihari.
11. Ali Imam Son of Janwad Miyan Resident of Village- Bishunpur, P.S.- Kotwa, (Bhopatpur O.P.), District- East Champaran, at Motihari.
12. Guli Mian Son of Late Bhola Miyan Resident of Village- Bishunpur, P.S.- Kotwa, (Bhopatpur O.P.), District- East Champaran, at Motihari.
13. Sagir Mian Son of Hawaldar Miyan Resident of Village- Bishunpur, P.S.- Kotwa, (Bhopatpur O.P.), District- East Champaran, at Motihari.
14. Haidar Mian Son of Hawaldar Miyan Resident of Village- Bishunpur, P.S.- Kotwa, (Bhopatpur O.P.), District- East Champaran, at Motihari.
15. Samir Miyan Son of Hawaldar Miyan Resident of Village- Bishunpur, P.S.- Kotwa, (Bhopatpur O.P.), District- East Champaran, at Motihari.
16. Sajad Alam Son of Navijan Miyan Resident of Village- Bishunpur, P.S.- Kotwa, (Bhopatpur O.P.), District- East Champaran, at Motihari.
17. Atiullah Alam Son of Jauwad Miyan Resident of Village- Bishunpur, P.S.- Kotwa, (Bhopatpur O.P.), District- East Champaran, at Motihari.



... .. Petitioners

Versus

THE STATE OF BIHAR

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Umesh Chandra Verma

For the Opposite Party/s : Mr. Amitesh Kumar

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

2 22-02-2021 Heard Mr. Umesh Chandra Verma, learned
counsel for the petitioners and Mr. Amitesh Kumar, learned
APP for the State.

The petitioners seek bail in anticipation of their
arrest in connection with Kotwa (Bhopatpur) P.S. Case No.
163/2016 instituted for the offence under Sections 147,
149, 323, 324, 307 and 504 of the Indian Penal Code.

Their application for anticipatory bail was earlier
withdrawn. They had been made accused initially under
bailable sections of Indian Penal Code. Later cognizance was
taken under Section 307 of the Indian Penal Code.

Learned counsel for the petitioners has fairly
submitted that the petitioners were on police bail in the
meanwhile.

Considering this fact, this Court is not inclined to



grant anticipatory bail to the petitioners.

The prayer for anticipatory bail is rejected.

However, if the petitioners surrender before the court below and seek bail, the court below shall take into account that the petitioners have never misused the privilege of police bail and shall pass orders in accordance with law without being prejudiced by the fact that the present petition has not been entertained.

(Ashutosh Kumar, J)

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