

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39566 of 2020

Arising Out of PS. Case No.-114 Year-2020 Thana- PARBATTa District- Khagaria

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1. Kumar Shahansha @ Sethu, aged about 24 years, Son of Lalan Rai.
 2. Lalan Rai, aged about 50 years, Son of Late Suresh Rai.
 3. Mithu Kumar, aged about 20 years, Son of Ranjan Rai @ Manoranjan Rai.
- All are residents of Village- Dumariya Khurd, P.S.- Parbatta, District- Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. P.K. Shahi, Sr. Adv.
For the Informant	:	Mr. Abhay Kumar Singh, Adv.
		Mr. Siddhartha Kumar Singh, Adv.
For the State	:	Md. Aslam Ansari, APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

4 08-12-2021 Heard Mr. P.K. Shahi, the learned Senior Advocate

for the petitioners and Mr. Abhay Kumar Singh, the learned

counsel for the informant. The State is represented by Mr.

Aslam Ansari, the learned APP.

The petitioners seek bail in anticipation of their

arrest in connection with Parbatta P.S. Case No. 114 of



2020, dated 27.03.2020, instituted for the offences under Sections 302 and 34 of the Indian Penal Code and Section 27 of the Arms Act.

The deceased is said to have been fired at by one Ranjan while the petitioners are said to have caught hold of him.

Mr. Shahi, has argued that merely because they have some land dispute with the family of the deceased and the informant, this case has been lodged. There is practically no enmity or any cause of dispute between the petitioners and the family of the deceased. He further submits that the accusation of catching hold of the deceased while he was fired at by a rifle, does not appear to be believable as the shot fired by aforesaid Ranjan would have hit any one of these petitioners, if the narration were true.

Be that as it may, since it has been brought to the notice of this Court by the counsel for the informant that after declaring the petitioners to be absconders, charge-sheet has been submitted against the main accused, who is facing trial, this Court is not inclined to grant anticipatory



bail to the petitioners.

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

However, if the petitioners surrender before the Court below and seek bail, the Court below shall consider the case on its own merits, without being prejudiced by the fact that the present anticipatory bail application on their behalf has not been entertained by this Court.

The application stands dismissed.

(Ashutosh Kumar, J)

Praveen-II/-

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