

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1286 of 2021

Arising Out of PS. Case No.-129 Year-2019 Thana- GOPALGANJ TOWN District-
Gopalganj

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1. MAHESH PRASAD SON OF LATE CHHATHU PATEL RESIDENT OF VILLAGE-HANUMANGARHI BIN TOLI WARDS NO.-5,P.S-GOPALGANJ TOWN, DISTRICT-GOPALGANJ
 2. RAJA KUMAR SON OF GANESH PRASAD RESIDENT OF VILLAGE-HANUMANGARHI BIN TOLI WARDS NO-5, P.S-GOPALGANJ TOWN. DISTRICT-GOPALGANJ

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Umesh Kumar Singh
For the Opposite Party/s : Mr. A.G.

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 09-07-2021 Heard Mr. Umesh Kumar Singh, learned Advocate for the petitioners and Mr. Madhuranand Jha , learned APP for the State.

The petitioners seek bail in anticipation of their arrest in connection with Gopalganj Town P.S. Case No. 129 of 2019 dated 06.03.2019 instituted for the offences under Sections 341, 323, 324, 302, 379, 504, 506 and 34 of the Indian Penal Code.

Though it has been alleged in the FIR that one Ganesh caused the fatal injury to the deceased but so far as the petitioner no. 1 is concerned, he is said to have caught hold of the informant at the time of the occurrence. The petitioner no. 2 is only said to have



participated in the occurrence in a general manner.

Learned counsel for the petitioners has submitted that in the trial of co-accused Ganesh, four witnesses have been examined up till now and none of them have supported the prosecution version.

Considering the fact that one of the accused persons of this case is facing trial and the petitioners are still at large and have not submitted to the process of law, I am not inclined to grant anticipatory bail to them.

Accordingly, the prayer for anticipatory bail is rejected.

However, if the petitioners surrender before the court below, their cases shall be considered on its own merits without being prejudiced by the fact that the present petition on their behalf has not been entertained.

(Ashutosh Kumar, J)

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