

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.276 of 2021

Arising Out of PS. Case No.-233 Year-2019 Thana- BARGAINIA District- Sitamarhi

1. Binod Mahto, Son of Lakshmi Mahato Resident of Village - Parsauni, P.s.- Bairgania, Distt.- Sitamarhi.
2. Saheb Mahto, Son of Jiyalal Mahto Resident of Village - Parsauni, P.s.- Bairgania, Distt.- Sitamarhi.
3. Ram Bhagat @ Ram Bhagat Mahto, Son of Yogendra Mahto Resident of Village - Parsauni, P.s.- Bairgania, Distt.- Sitamarhi.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar
For the Opposite Party/s : Mr. Zainul Abedin, APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 23-06-2021 Heard Mr. Sanjeev Kumar, learned counsel for

the petitioners and learned APP for the State.

The petitioners seek bail in anticipation of their arrest in connection with Bairgania P. S. Case No. 233 of 2019, dated 11.10.2019, instituted for the offences under Sections 307, 323, 341, 504, 34 and 379 of the Indian Penal Code and Section 27 of the Arms Act, 1959.

The accusation against the petitioners is of partying with one Pinku Jaiswal and consuming liquor.



Aforesaid Pinku Jaiswal is said to have fired at the genitals of the son of the informant for his refusal to participate in merry-making.

The learned counsel for the petitioners has submitted that the F.I.R. has been lodged after six (6) days of the occurrence and even from the reading of the F.I.R., it would appear that no direct act of assault has been attributed against them. They were simply sitting at the place where the occurrence took place. Neither the petitioners had provoked aforesaid Pinku Jaiswal to fire at the son of the informant nor had pressurized the son of the informant to consume liquor.

Notwithstanding the afore-stated submissions, I am not inclined to grant anticipatory bail to the petitioners for the reason that in their presence, Pinku Jaiswal resorted to such misadventurism. The petitioners are in bad company and do not appear to have any regard for law. The offence cannot be said to be venial.

The prayer for anticipatory bail is, therefore,



rejected.

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

(Ashutosh Kumar, J)

skm/-

U		T	
---	--	---	--

