

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63938 of 2021

Arising Out of PS. Case No.-277 Year-2020 Thana- DARIYAPUR District- Saran

1. Gautam Rai S/o Harendar Rai R/o village- Dharmagat, Mujauna, P.S.- Dariyapur, District- Saran
2. Ritesh Kumar S/o Harendar Rai R/o village- Dharmagat, Mujauna, P.S.- Dariyapur, District- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 71439 of 2021

Arising Out of PS. Case No.-277 Year-2020 Thana- DARIYAPUR District- Saran

1. Bittu Kumar Ray @ Brajmohan Ray Son of Devendra Rai Resident of Village - Dharmagat, Mujauna, P.S.- Dariyapur, District - Saran
2. Manoj Rai Son of Devendra Rai Resident of Village - Dharmagat, Mujauna, P.S.- Dariyapur, District - Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 63938 of 2021)

For the Petitioners : Mr.Dhananjay Kumar Tiwary, Advocate

For the Opposite Party : Mr.Md. Mushtaque Alam, APP

(In CRIMINAL MISCELLANEOUS No. 71439 of 2021)

For the Petitioners : Mr.Dhananjay Kumar Tiwary, Advocate

For the Opposite Party : Mr.Bharat Bhushan, APP

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR

ORAL ORDER

3 05-04-2022 Learned counsel for the petitioners is permitted to remove the defect(s), as pointed out by the office, if any, within a period of four weeks from today.

Since both these applications arise out of Dariyapur



P.S. Case No.277 of 2020, they have been heard together and are being disposed of by this common order.

Heard the parties.

The petitioners of both these applications apprehend their arrest in connection with Dariyapur P.S. Case No.277 of 2020, registered for the offences under Sections 341, 323, 307, 504, 506 and 34 of the Indian Penal Code but subsequently Section 302 of the IPC has been added.

At the very outset, learned counsel for the petitioners seeks permission to withdraw the application on behalf of petitioner no. 2, namely, Manoj Rai of Cr. Misc. No. 71439 of 2021.

Permission is accorded.

The application for anticipatory bail is dismissed as withdrawn so far as petitioner no. 2, namely, Manoj Rai of Cr. Misc. No. 71439 of 2021 is concerned.

So far as rest of the petitioners are concerned, they are said to have assaulted the deceased and the first information report has been registered after inordinate delay for which explanation has been furnished by the informant.

In a case under Section 302 of the Indian Penal Code, when the allegations are there against the petitioners that they



assaulted the deceased and the deceased died, the petitioners do
not deserve anticipatory bail.

Both these applications are dismissed.

(Sandeep Kumar, J)

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