

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.7890 of 2013

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1. Md.Soyeb Alam S/O Md. Qamrul R/O Vill-Mazrahi Bir Nagar West, P.S.Bhargama, Distt-Araria
 2. Badiujjama S/O Md. Qamrul R/O Vill-Mazrahi Bir Nagar West, P.S.Bhargama, Distt-Araria
 3. Afsar S/O Md.Qamrul R/O Vill-Mazrahi Bir Nagar West, P.S.Bhargama, Distt-Araria

.... Petitioner/s

Versus

The State Of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA
ORAL ORDER

3 28-06-2013 Heard learned counsel for the petitioners as well as learned Additional Public Prosecutor for the State.

Petitioners apprehend their arrest in connection with Bhargama P.S. Case No. 78 of 2012 registered under Sections- 302, 147, 148, 149, 447, 323 & 341 of the Indian Penal Code and 27 of the Arms Act.

Admittedly, petitioners are named in the first information report and it is alleged that they along with several other accused, having armed with different weapons, assaulted the deceased and others.

The contention of learned counsel for the petitioners is that no specific overt act has been attributed against the petitioners



and moreover, the mother of petitioners lodged Bhargama P.S. Case No. 79 of 2012 for the offences under Sections-147, 148, 149, 323, 324 & 379 of the Indian Penal Code on the date of institution of the present case against the prosecution party and, the aforesaid Bhargama P.S. Case No. 79 of 2012 indicates that it was the prosecution party who assaulted the petitioners and others.

Regard being had to the facts and circumstances of the case as well as submission of the parties, I am not inclined to extend the privilege of anticipatory bail to the petitioners and accordingly, prayer for anticipatory bail of the petitioners in connection with Bhargama P.S. Case No. 78 of 2012 pending in the court of Chief Judicial Magistrate, Araria stands rejected.

However, if, any regular bail petition is moved by the petitioners before Sessions Court, the said bail petition shall be disposed of, on its own merit without being prejudiced by this rejection order.

(Hemant Kumar Srivastava, J)

A.K.V./-