

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2289 of 2015

Arising Out of PS.Case No. -96 Year- 2013 Thana -TARIYANI CHOWK District- SHEOHAR

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Amrul Haque @ Amrul S/O Late Abdul Hamid Resident of vill-Param
Basant,P.S-Tariyani,Distt.-Sheohar

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. N.K.Agrawal, Sr.Advocate.

For the Opposite Party/s : Mr. Ram Sevak Choudhary(App)

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

3 18-02-2015 Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor for the State.

The petitioner has renewed the prayer for bail which
was earlier rejected vide order dated 24.11.2014 passed in
Cr.Misc. No.40294 of 2014.

The petitioner seeks to renew his prayer on three
grounds, firstly that at the time the earlier order was passed the
petitioner was unaware that other similarly situated persons had
been extended the privilege of bail vide order dated 19.11.2013
passed in Cr.Misc. No.47841 of 2013. By the said order it appears
that five persons had been granted bail in the said case. The
second ground urged for renewal of the prayer for bail after the



order of rejection, is that subsequent to the filing of the present case in which the petitioner has been made an accused, the informant and his son had engaged themselves in ghastly occurrence by which the son of the petitioner had been killed leading to the filing of Annexure-3, i.e., Kanti P.S. Case No.319 of 2014 dated 13.7.2014.

It is submitted on behalf of the petitioner that this fact was also not brought before the Court on the earlier occasion which led to the passing of the order of rejection. The third ground urged before this Court for renewing the prayer for bail is that earlier this Court vide Annexure-1 had been pleased to extend the privilege of anticipatory bail with condition that the petitioners did not have any criminal antecedent considering the fact that there was history of litigation between the parties and also that the petitioners had no specific role to play.

Learned counsel for the informant, however, submits that the grounds urged before this Court for renewal of the prayer for bail is untenable and should not be accepted as the prayer for bail of the petitioners had been rejected only recently.

Learned counsel for the State, however, submits that all aspects of the matter had been considered on earlier occasion.



Having considered the submissions advanced by the parties and after perusing the order dated 19.11.2013 passed in Cr.Misc. No.47841/13 by which similarly situated persons are said to have been granted bail, I do not find that this petitioner stands on similar footing who are said to have been extended the privilege of bail. Further more, the said order is already on record in the previous bail application. So far as the second F.I.R. filed by the petitioner is concerned, it appears that the same was not brought on the record earlier. From perusal of the said F.I.R. it appears that there is deep rooted enmity between the parties which led to the filing of the present case and also the case in which the son of the petitioner has been killed. The petitioner has been assigned the role of pressing 'Nalkatua' on the head of the deceased whereas the specific allegation of firing has been attributed to one Akhtar Mian who is said to be notorious criminal and it is also stated that the order giver in the case was Shamsul Haque but in the charge sheet submitted the said Shamsul Haque has not been sent up for trial

Considering the aforementioned submissions and also the fact that the petitioner has already completed almost six months in custody and there is history of litigation, let the

petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- with two sureties of the like amount each to the satisfaction of the C.J.M., Sitamarhi, in Tariyani P.S. Case No.96 of 2013.

(Anjana Mishra, J)

AnilKrSinha/-

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