

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36788 of 2015

Arising Out of PS.Case No. -239 Year- 2015 Thana -DARBHANGA SADAR District-
DARBHANGA

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1. Md. Tausif Son of Md. Anwar
2. Md. Shahadat @ Md. Shahadat Ali Son of Md. Ali @ Md. Chhitan
3. Md. Afroz @ Munna Son of Late Hakeem All are resident of village -
Bheluchak, P.S. Sadar, District - Darbhanga

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Iqbal Asif Niazi

For the Opposite Party/s : Mr. Nityanand (App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

3 04-11-2015 Heard both sides.

The petitioners apprehend their arrest in Darbhanga Sadar P.S. Case No. 239/2015, registered for the offences punishable under Section 302 and other sections of the Indian Penal Code.

Md. Majid the father of the deceased alleged that his son Abdul Wahid had gone to attend the marriage function of his cousin on 06.06.2015. Md. Tausif, Md. Afroz and Md. Shahadat all the three petitioners also came to attend the Milad. Md. Afroz called his son on mobile. Md. Tausif took the deceased on the motorcycle of Md. Shahadat, but thereafter Abdul Wahid was missing and on the next day his dead body was found.

Learned counsel for the petitioners submits that except

the fact that the petitioners were seen lastly with the deceased, there is no material to show the involvement of the petitioners in the killing of Abdul Wahid. The informant had not attributed any motive. The motor cycle of the deceased was also found near the dead body of the deceased.

On perusal of case diary it appears that during the course of investigation the brother of the deceased and other witnesses have very categorically stated that on the call of Md. Afroz, the petitioner Md. Tausif took Abdul Wahid on the motorcycle of Md. Shahadat. Md. Shahadat was also present there and thereafter his son was missing and his dead body was recovered on the next morning.

Considering the facts that the petitioners were seen with the deceased and thereafter the dead body of the deceased was found, I am not inclined to enlarge the petitioners on anticipatory bail. Accordingly, the same is rejected.

However, the petitioners, if so advised, may surrender before the court below within four weeks from the date of receipt/production of a copy of this order and pray for regular bail and their prayer shall be considered on its own merit without being prejudiced by this order.

(Prabhat Kumar Jha, J.)

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