

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38387 of 2014

Arising out of PS.Case No. -319 Year- 2014 Thana -KANTI District-
MUZAFFARPUR

- =====
1. Hamid Raza @ Chunnu Son of Late Abdul Karim.
 2. Sadik Raza, Son of Late Abdul Karim. Both residents of village - Param Basant, P.S. - Tariyani, District - Sheohar.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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with

Criminal Miscellaneous No.41846 of 2014

Arising out of PS.Case No. -319 Year- 2014 Thana -KANTI District-
MUZAFFARPUR

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Atikur Rahman @ Lal Babu Son of Abdul Salam Resident of Village-
Param Basant, P.S.- Tariyani, District- Sheohar.

.... Petitioner.

Versus

The State of Bihar

.... Opposite Party

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Appearance :

(In Cr.Misc. No.38387 of 2014)

For the Petitioners : Mr. Vindhya Keshari Kumar, Sr.
Advocate & Hari Kishore Thakur,
Advocate.

For the informant : Mr. Ashok Kumar Jha, Advocate.

For the State : Mr. Satyendra Prasad, A.P.P.

(In Cr.Misc. No.41846 of 2014)

For the Petitioner : Mr. Vindhya Keshari Kumar, Sr.
Advocate & Mr. Hari Kishore
Thakur, Advocate.

For the informant : Mr. Ashok Kumar Jha, Advocate.

For the State : Mr. Satyendra Prasad, A.P.P.

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**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA**

ORAL ORDER

bail petition of petitioner No. 2 Sadik Raza of Cr. Misc. No. 38387 of 2014 has already been dismissed as withdrawn by this Court.

Heard Mr. Vindhya Keshari Kumar, learned senior counsel for the petitioners, Mr. Ashok Kumar Jha, learned counsel appearing for the informant and learned A.P.P. for the State.

The petitioners Hamid Raza @ Chunnu and Atikur Rahman @ Lal Babu apprehend their arrest in a case under Sections 302, 201, 120(B) of the I.P.C. and 27 of the Arms Act.

The informant alleged that the petitioners Hamid Raza @ Chunnu and Atikur Rahman @ Lal Babu came to his house and took his son on the pretext of having talk for compromise. Other accused persons were sitting in the house of the petitioners. It is alleged that his son Md. Azam did not return and during the course of search on the next day the dead body of the son of the informant was found within the jurisdiction of Kanti Police Station.

Mr. Vindhya Keshari Kumar, learned senior counsel appearing for the petitioners submits that the story of taking the son of the informant on the pretext of having talk for compromise is not believable as the informant is an accused in the murder of the father of the petitioners. No body has seen the petitioners taking the deceased with them. The dead body of the deceased was

found 50 K.M. away from the house of the petitioners.

On the other hand, learned counsel appearing for the informant as well as learned A.P.P. vehemently opposed the prayer for anticipatory bail.

On perusal of the record, it appears that the informant has made allegation that the petitioners Atikur Rahman @ Lal Babu and Hamid Raza @ Chunnu took Md. Azam, the son of the informant with them. Other accused persons were also sitting in the house of the petitioners but after sometime when a search was made neither the son of the informant nor any other accused person was found but on the next day, the dead body of Md. Azam was found. It also appears that the petitioner Hamid Raza @ Chunnu has got criminal antecedent as stated in paragraph no. 3 of the bail petition.

Considering the facts that the petitioners are last seen with the deceased, I am not inclined to enlarge the petitioners Hamid Raza @ Chunnu and Atikur Rahman @ Lal Babu on anticipatory bail. Accordingly, the same is rejected in connection with Kanti P.S. Case No. 319 of 2014, pending in the court of the learned S.D.J.M., West, Muzaffarpur.

The petitioners are directed to surrender in the court below and the court below shall consider the prayer for regular

bail of the petitioners without being prejudiced from the order of
this Court.

U.K./-

(Prabhat Kumar Jha, J)

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