

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38361 of 2014

Arising Out of PS.Case No. -108 Year- 2014 Thana -BARURAJ District- MUZAFFARPUR

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Asraf Ali @ Md. Asfar Ali @ Asraf, Son of Sudi Mian, resident of Village -
Panapur, P.S. - Baruraj, District - Muzaffarpur.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Dhananjaya Nath Tiwari, Advocate

For the Opposite Party/s : Mr. Raj Kishor Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

5 28-08-2015 Heard learned counsel for the petitioner and learned

Additional Public Prosecutor for the State.

This application for grant of anticipatory bail arises
out of Baruraj P.S. Case No. 108 of 2014, disclosing offences
under Sections 394, 302 and 120B of the Indian Penal Code and
Section 25 (1-B) of the Arms Act.

Learned counsel for the petitioner submits that the
petitioner has been implicated falsely, in the present case merely
on the basis of suspicion. He submits that the Supervising Officer,
in course of investigation, has come to a conclusion that
accusation against the petitioner is correct.

Be that as it may, since the petitioner is named
accused in a case under Section 302 of the Indian Penal Code, I

am not inclined to grant the privilege of anticipatory bail to the petitioner in view of Supreme Court decision in case of ***Jai Prakash Singh vs. State of Bihar and Another reported in (2012)4 SCC 379.***

Accordingly, this application for anticipatory bail is, hereby, rejected.

The petitioner is directed to surrender before the court below within six weeks and seek regular bail, if so advised. If he does so, his application for regular bail shall be considered on its own merit without being prejudiced by rejection of present application for grant of anticipatory bail.

(Chakradhari Sharan Singh, J)

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