

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38293 of 2014

Arising Out of PS.Case No. -259 Year- 2013 Thana -KOCH District- GAYA

Md. Alauddin S/o Md. Shafi Saheb R/o village- Usas Deora, P.S.- Konch,
District- Gaya

.... Petitioner

Versus

1. The State of Bihar
2. Hasrat Bano, W/o Md. Allauddin, D/o (Late) Md. Serajuddin, R/o
village Pali, P.S. Konch, District Gaya

.... Opposite Parties

Appearance:

For the Petitioner:	Mr. Syed Arshad Alam, Mr. Gautam Kumar Yadav Mr. Fakhruddin Ali Ahmad, Mrs. Anjum Praween, Mr. Tafazzual Ahmad, Advocates
For the State:	Mr. Jitendra Kumar Singh, APP
For the Informant:	Mr. Sunil Kumar Yadav, Advocate

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

3 20-07-2016 Heard learned counsel for the petitioner and learned
APP for the State assisted by learned counsel for the informant.

2. The petitioner apprehends his arrest for the offences alleged under Section 307 read with Section 34 of the Indian Penal Code registered in connection with Konch P.S. Case No. 259 of 2013.

3. Learned counsel for the petitioner submits that the petitioner, being the husband of the informant (the opposite party no. 2), has been falsely implicated and this is the second attempt on her part to implicate him in a false case. As a matter of fact, the entire story as alleged by the prosecution that the petitioner along



with his two brothers pushed the informant out of the moving bus is highly improbable. The petitioner had been granted bail by the 4th Additional Sessions Judge, Gaya, and it was in compliance of the Court's condition that he had been taking the informant along with him on the bus which his brothers had also boarded, when the occurrence is alleged to have transpired. The petitioner reiterates his willingness to keep the opposite party no. 2 with due dignity and honour.

4. Learned APP assisted by learned counsel for the informant, on the other hand, opposes the petitioner's anticipatory bail petition submitting that the allegations in the FIR are self-speaking, and the petitioner along with his brothers had deliberately pushed her out of the moving bus thus resulting in injury to her. He refers to paragraph 10 of the case diary in which the statement of Guddi Rai has been recorded who claims to be an eye-witness to the occurrence. Reference is also made to the statement of Kripal Paswan who supports the prosecution case, which is recorded in paragraph 12 of the case diary. The injury report of the informant appears at paragraph 34 of the case diary, and discloses injuries on the shoulder and chest, as well as swelling in the head.

5. Having regard to the nature of accusations and gravity of offence alleged, this Court is not inclined to grant

anticipatory bail to the petitioner. The bail petition stands dismissed.

6. Before parting with this order, this Court must record its dismay at the manner in which Mr. Syed Arshad Alam appearing on behalf of the petitioner conducted himself during the hearing of the case. Apart from browbeating learned APP while he was attempting to place the case diary in course of his submissions, the overall attitude of Mr. Syed Arshad Alam towards the Court, particularly in his immediate retaliation upon the order of dismissal of the anticipatory bail petition being pronounced, was rather rude, impolite and unbecoming of a dignified member of the Bar. This Court however, considering his long standing at the Bar, refrains, from initiating proceedings against him at present, but he is surely warned to be careful in future. Let a copy of this order be handed over to learned counsel Mr. Syed Arshad Alam.

(Vikash Jain, J)

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