

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36293 of 2015

Arising Out of PS.Case No. -44 Year- 2014 Thana -RAMGARHWA District-
EASTCHAMPARAN(MOTIHARI)

- =====
1. Md. Wajir @ Wajir Alam @ Md. Wazir @ Wazir Alam, Son of Md. Abdul Bari,
 2. Md. Mahfooz @ Md. Mahafooz, Son of Abdul Bari
 3. Md. Nasib, Son of Md. Abdul Bari,
 4. Md. Nasrullah, Son of Md. Abdul Bari, All are residents of Village- Jumai Tola, P.S.- Ramgarhwa, District- East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar No.Iii
For the Opposite Party/s : Mr. Shantanu Kumar(App)

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

5 15-12-2015 Heard learned Counsel for the petitioner and learned
Counsel appearing on behalf of the State.

The petitioners are apprehending their arrest in connection with Ramgarhwa P.S. Case No. 44 of 2014, registered for the offences punishable under sections 302, 307 and 34 of the Indian Penal Code.

Learned Counsel for the petitioners submits that the allegation against these petitioners is leveled solely only on the basis of earlier enmity and the informant has tried to give it a different colour. Though, the occurrence took place not at the place which has been described by the informant as the body of

the deceased was brought home by the informant as stated in the First Information Report.

Diary in the present case was called for which has since been received. Learned Counsel for the State submits that in the diary there is no cogent material so as to substantiate the allegations and the informant is an eye witness to the occurrence. Hence the petitioners may not be extended the interim relief .

Considering the aforementioned facts and circumstances of the case and that the petitioners have been specifically named in the First Information Report, as having committed one of the covert acts leading to death of the deceased, I am not inclined to grant anticipatory bail to the petitioner nos. 2, 3, and 4. Their prayer for Anticipatory Bail, thus stands rejected.

So far as petitioner no. 1 is concerned, there is no specific allegation against him of having fired at the deceased. Accordingly, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, let the petitioner no. 1, namely, Md. Wajir Alias Wajir Alam be released on bail on furnishing bail bonds of Rs. 10,000/- (Rs. Ten Thousand) with two sureties of like amount each to the satisfaction of the learned Sub-Divisional Judicial Magistrate, Raxaul at Motihari, East

Champan in connection with Ramgarhwa P.S. Case No. 44 of 2014, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Anjana Mishra, J)

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