

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33888 of 2015

Arising Out of PS.Case No. -119 Year- 2015 Thana -CHANPATIA District-
WESTCHAMPARAN(BETTIAH)

Md. Habibullah Ansari son of Late Md. Rashid Ansari, Resident of village-
Kaithaulia, P.S.- Chanpatia, District- West Champaran.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

with

Criminal Miscellaneous No.39386 of 2015

Arising Out of PS.Case No. -119 Year- 2015 Thana -CHANPATIA District-
WESTCHAMPARAN(BETTIAH)

- 1. Md. Baidullah Ansari @ Baidullah Ansari.
- 2. Md. Aftab Ansari @ Aftab Ansari. Both are sons of Late Salauddin
Miyani, resident of village- Kaithwalia, Police Station- Chanpatia, District-
West Champaran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

(In Cr.Misc. No.33888 of 2015)

For the Petitioner/s : Mr. Gopal Sharan Singh, Adv.

For the Opposite Party/s : Mr. Shailendra Kumar 1(App)

(In Cr.Misc. No.39386 of 2015)

For the Petitioner/s : Mr. Sanjay Kumar No.-7, Adv.

For the Opposite Party/s : Mr. A.K.Chaudhary(App)

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA

ORAL ORDER

5 23-11-2015 Heard both sides.

The petitioners apprehend their arrest in Chanpatia P.S.
Case No. 119/2015, registered for the offences punishable under
Section 307 and other Sections of the Indian Penal Code.

The informant named the petitioners along with other



accused persons and alleged that on the order of Md. Habibullah Ansari (petitioner) Khalikul Jamma @ Pappu and other accused persons assaulted the deceased. There is specific allegation of assault against Khalikul Jamma @ Pappu with farsa on the head of Mazhar Alam, the deceased. Other accused persons are also alleged to have assaulted.

It is submitted that the occurrence took place on 02.06.2015. The informant made statement on 03.06.2015, but no FIR was lodged. Mazhar Alam died on 07.06.2015. After two days of the death of Mazhar Alam, FIR was lodged on 09.06.2015. It is further submitted that no specific allegation is made against the petitioners Md. Baidullah Ansari and Md. Aftab Ansari. The injury found on the head is fatal and that is the cause of death of the deceased. The informant made his statement on 03.06.2015, but due to fault of the police officer the statement could not be sent to the concerned P.S. The informant made similar and same allegation against the petitioners.

On the other hand, learned counsel for the informant as well as learned Additional P.P. opposed the prayer for bail.

Having considered the facts that on the order of the petitioner Habibullah Ansari, Khalikul Jamma (son-in-law of Habibullah Ansari) is said to have assaulted Mazhar Alam on his

head with farsa, the petitioners Baidullah Ansari and Aftab Ansari are also said to have assaulted along with other accused and four injuries are found on the persons of the deceased, I am not inclined to enlarge the petitioners above named on anticipatory bail. Accordingly, the same is rejected.

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 his prayer shall be considered on its own merit without being prejudiced by this order and the court below shall dispose of the same, if possible on the same day.

(Prabhat Kumar Jha, J.)

Rakhi

U		T	
---	--	---	--