

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10689 of 2016

Arising Out of PS.Case No. -309 Year- 2015 Thana -PURNEA SADAR District- PURNIA

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Md. Anisur Rahman @ Anisur Rahman S/o Late Badrish, Resident of
Girjapur, P.S.- Sadar, District- Purnea.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. N.K. Agrawal, Sr. Adv.
Mr. D.N. Tiwary, Adv.

For the Opposite Party/s : Mr. Nand Kishore Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

4 20-06-2016 Heard both sides.

The petitioner apprehends his arrest in connection with
Sadar P.S. Case No. 309 of 2015 registered for offences
punishable under Sections 147, 148, 149, 324, 307 and 302 of the
Indian Penal Code.

The Informant has named the petitioner and other
accused persons in the First Information Report and alleged that
on the order of the petitioner, Md. Anisur Rahman @ Anisur
Rahman, accused Mursalim gave sickle blow on the neck of his
father as a result of which his father died.

Learned counsel for the petitioner has submitted that
other co-accused persons, namely, Md. Jamirul Rahman @
Jamirul, Md. Babar and Md. Saiful @ Saiful have been granted
anticipatory bail by order dated 24.11.2015 in Cr. Misc. No. 53501

of 2015. It has also been submitted that the case of the petitioner also stands on a similar footing with a specific allegation that the petitioner is only an order giver.

Learned counsel for the Informant has vehemently opposed the prayer for anticipatory bail of the petitioner. \

It appears that there was an omnibus and general allegation against the co-accused persons, namely, Md. Jamirul Rahman @ Jamirul, Md. Babar and Md. Saiful @ Saiful who have been granted anticipatory bail. The petitioner is the order giver on whose order co-accused Mursalim assaulted on the neck of the father of the Informant causing his death. I am not inclined to grant anticipatory bail to the petitioner. Accordingly, the prayer for anticipatory bail of the petitioner, namely, Md. Anisur Rahman @ Anisur Rahman is rejected.

If the petitioner surrenders before the court below, the learned court below shall consider the prayer for regular bail in accordance with law without being prejudiced by this order taking into consideration that other co-accused persons have already been granted bail.

(Prabhat Kumar Jha, J)

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