

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45033 of 2015

Arising Out of PS.Case No. -301 Year- 2015 Thana -ARARIA District- ARRARIA

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1. Sajauddin @ Sajjad @ Sajuddin son of late Skekh Fajilat a resident of
village- Rampur Mohanpur, P.S. Bairgachhi, District- Araria
..... Petitioner/s

Versus

1. The State of Bihar

..... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kamal Kishore Singh

For the Opposite Party/s : Mr. B.N. Pandey (App)

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

4 02-02-2016 Heard learned counsel for the petitioner and the State.

The petitioner is apprehending his arrest in a case instituted under Sections 147, 148, 149, 341, 302, 354, 504, 379, 506 and 120B of the Indian Penal Code.

The prosecution case, in short, as per the informant is that on 24.6.2015 all the accused persons assaulted her husband by fists, slaps and danda and accused Sajauddin sat on the chest of the husband of the informant and badly assaulted over the chest and the modesty of the informant was outraged and her house hold articles were taken away. The informant along with other persons taken her husband for treatment to hospital but before reaching there, he died.

It is submitted by learned counsel for the petitioner that the petitioner has got no criminal antecedent. The petitioner has been implicated in the present case due to previous enmity and false

allegation has been made against him. From the perusal of the first information report, it appears that if the same is accepted to be true, still it is at best a case for the offence under Section 304 of the Indian Penal Code. The other co-accused has been granted bail by the Additional Sessions Judge, Araria vide B.P. No.623 of 2015.

On behalf of the State and learned counsel for the informant, it is submitted that the petitioner is named in the first information report and has actively participated in the alleged occurrence.

Considering the aforesaid facts and circumstances, I am not inclined to grant anticipatory bail to the petitioner and the same is, accordingly, rejected.

Any how, the petitioner is directed to surrender in the court below, i.e., Chief Judicial Magistrate, Araria in connection with Araria P.S. Case No.301 of 2015 within a period of six weeks and pray for regular bail, which shall be considered and disposed of on its own merit without being prejudiced by this order. The court below shall also consider that the other co-accused has already been granted regular bail vide B.P. No.623 of 2015.

V.P.Sinha/-

(Sudhir Singh, J)

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