

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.27459 of 2016

Arising out of PS.Case No. -47 Year- 2010 Thana -PHENHARA District- EAST
CHAMPARAN(MOTIHARI)

Md. Abdul Mian @ Md. Abdul, Son of Late Dahaur Miya, resident of
Village- Phenahara,Khoda Nagar Tola , P.S. - Phenahara, District- East
Champaran (Motihari)

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner : Mr. Zaki Haider, Advocate.

For the Opposite Party : Mr. Sri Rajballabh Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 12-07-2016 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner is apprehending his arrest in connection
with Phenhara P.S. Case No. 47 of 2010 for the offences instituted
under Sections 307 and 302/34 of the IPC.

The accusation is of assaulting the brother of the
informant by this petitioner alongwith other two co-accused
persons. Co-accused Asma Khatoon and Afqana Khatoon were
provoking them to kill him. He was admitted in the hospital where
he died in course of treatment. The cause of incident is that the
brother of the informant had given Rs. 5000/- to Asma Khatoon
and he demanded back his money.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. There is an allegation of giving single knife blow by the petitioner upon the deceased. There is no repetition made by the petitioner. The petitioner has falsely been implicated in the present case due to village politics. The alleged occurrence is said to have taken place at 10.45 P.M. but no source of identification has been disclosed by the prosecution.

On behalf of the State it has been submitted that the petitioner is named in the F.I.R. and specific injury has been attracted against him. The case is of the year 2010 and the petitioner has approached this Court in the year 2016.

Considering the aforesaid facts and circumstances, I am not inclined to grant anticipatory bail to the petitioner. The same is rejected in Phenhara P.S. Case No. 47/2010, pending in the court of the learned S.D.J.M., Sikrahna, East Champaran. Anyhow, if the petitioner surrenders in the court below the same shall be considered on its own merit without being prejudiced by this order.

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(Sudhir Singh, J)