

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26604 of 2016

Arising Out of PS.Case No. -719 Year- 2015 Thana -BETTIAH TOWN District-
WESTCHAMPARAN(BETTIAH)

- =====
1. Parwej Alam, son of Sheikh Reyaz.
 2. Javed Alam, son of Sheikh Reyaz.
- Both residents of Mansha Tola, P.S. Bettiah Mufassil, Dist. West Champaran.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Amarendra Nath Verma
For the Opposite Party/s : Mr. Sri Lalan Kumar, APP
For the Informant : Mr. Akhilesh Kumar Shrivastava, Adv.

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

2 01-07-2016 Heard learned counsel for the petitioners and counsel
for the State.

Learned counsel for the petitioners has filed
supplementary affidavit which is kept on record of this case.

The petitioners are appending their arrest in connection
with Bettiah Town P.S. Case No. 719 of 2015 for offence under
Sections 341, 323, 307, 120B/34 of the Indian Penal Code.

An allegation has been made against the petitioners
that the victim was returning from Najnin chowk after purchasing
biscuit and when he reached near Jangi Masjid, he saw Akhara of
Moharram of his village and he stopped. In the meantime, the
petitioners Parwej Alam and Javed Alam came and Javed Alam

caught hold of him and the petitioner Parwej Alam gave knife blow at his Panjara twice to kill him and, accordingly, he sustained injury. On alarm, the villagers came and saved him. He was brought to the MJK Hospital for treatment and the doctors referred him at Rahmaniya Hospital, Motihari.

Learned counsel for the petitioners has submitted that as per allegation, the offence was committed on 25.10.2015 but the medical report is dated 24.10.2015.

There may be some typographical error which cannot be made basis to outrightly reject the story of the Informant. This is not a fit case for anticipatory bail.

Accordingly, the prayer for anticipatory bail of the petitioners, namely, Parwej Alam and Javed Alam is rejected but the court below will consider the regular bail of the petitioners and will not be prejudiced by any observation made in this order.

(Shivaji Pandey, J)

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