

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36596 of 2016

Arising Out of PS.Case No. -218 Year- 2015 Thana -SHEOHAR District- SHEOHAR

=====

Khatmullah Khan, Son of Gonaur Khan, Resident of village- Mathurapur,
P.S. Sheohar, District- Sheohar.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

=====

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA
ORAL ORDER

3 18-10-2016 Heard learned counsel for the petitioner and the learned
A.P.P. for the State.

The petitioner apprehends his arrest in connection with
Sheohar P.S. Case No.218 of 2015 registered under Sections 147,
148, 341, 342, 323, 325, 307, 302, 379 and 120(B) of the Indian
Penal Code, pending in the court of the Chief Judicial Magistrate,
Sheohar.

The allegation of the informant Md. Abid Hussain alias
Bhola Sarpanch is that in the evening of 03.10.2015 at about 05.30
P.M., his grandson Md. Shamshad Alam alias Pyare alongwith his
friend Md. Adil was coming from Sitamarhi to his house. At
about 07.00 P.M., the informant received information that his



grandson Pyare and his friend Md. Adil are seriously injured at Sadar Hospital, Sheohar. Thereafter, they reached there and then both were referred to Muzaffarpur and admitted to Ram Janki Hospital, Bairiya Golamar. After their C.T. Scan, both were referred to Tara Nursing Home, Patna, where it was detected that both have sustained grievous injuries in their head and there is blood clotting for which operation is required. While Md. Adil was referred to AIIMS, Delhi for treatment but he died in the way whereas his grandson Md. Shamshad Alam alias Pyare is admitted in I.C.U. at Tara Nursing Home. No Post-Mortem examination of Md. Adil was done because there was apprehension that both Md. Adil and his grandson Md. Shamshad Alam alias Pyare have sustained injuries in an accident. Later on, Md. Azhar Alam and Shamim, the villagers of the informant, stated that in the way, one Gajendra Mahto raised alarm about his dashing by the motorcycle. Thereafter, public started to chase the motorcycle, and, after that, six persons, named in the F.I.R., including the petitioner caused injuries to his grandson and Md. Adil.

Learned counsel appearing on behalf of the petitioner submits that it would appear from the F.I.R. that while the occurrence is of 03.10.2015 but the F.I.R. has been lodged on 10.10.2015 by the informant on the basis of the information

received from Md. Azhar Alam and Md. Shamim.

Having considered the facts and the circumstances of the case and the nature of allegation against the petitioner, I am not inclined to grant anticipatory bail to the petitioner. Accordingly, the prayer of the petitioner for grant of anticipatory bail stands rejected. However, the petitioner is directed to surrender before the trial court within four weeks from today and pray for regular bail, which shall be considered by the trial court in accordance with law without being prejudiced by the order of this Court.

(Rajendra Kumar Mishra, J)

P.S./-

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