

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40129 of 2016

Arising Out of PS.Case No. -91 Year- 2015 Thana -BHARGAWAN District- ARRARIA

1. Md. Naushad Son of Md. Abbas, resident of Village- Baijupatti, Police Station- Bhargama, District of Araria.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prabhu Narayan Sharma

For the Opposite Party/s Mr. Satyavarat Verma

CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

03/ 21.11.2016 Heard learned counsel for the petitioner as well as learned Addl. Public Prosecutor for the State.

Petitioner apprehends his arrest in connection with Bhargama P. S. case no. 91/2015 registered under section 302 and other minor sections of the Indian Penal Code and 27 of the Arms Act.

The accusation against the petitioner is that he along with seven persons went at the house of the deceased and after that the petitioner, co- accused Md. Mukhtar and Sakur having entered the house of the informant dragged the deceased and after that co- accused Md. Mukhtar opened fire on the deceased and when the brother of the deceased came to his rescue, petitioner gave sword blow to him causing injury to him.

No doubt, injured- Md. Moin sustained simple injury but submission on behalf of the petitioner is that the petitioner does not even touch the body of the deceased and moreover, there is land

dispute between the parties.

I am not at all convinced with the aforesaid submissions because it appears from the contents of the first information report that the petitioner, too, played active role in commission of murder of the deceased. Hence, his prayer for anticipatory bail in connection with the above stated case stands rejected.

However, this order shall not cause any prejudice to the competent court while considering regular bail application of the petitioner, if the petitioner surrenders within six weeks from the date of receipt of this order to the concerned court and seeks regular bail.

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(Hemant Kumar Srivastava,J)

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