

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.54281 of 2016

Arising Out of PS.Case No. -712 Year- 2016 Thana -KATIHAR District- KATIHAR

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Md. Alimuddin Ansari, S/o Late Noor Mohammed, R/o Mohalla- Rozidpur,
Ward No.45, P.S.- Katihar (Muffasil), District- Katihar.

.... Petitioner.

Versus

The State of Bihar

.... Opposite Party.

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Appearance :

For the Petitioner : M/s. Ramakant Sharma, Senior Advocate, Karuna
Kant Jha and Bal Krishna Mishra, Advocates.

For the State : Mr. Anand Mohan, A.P.P.

For the Informant : Mr. Sanjeev Kumar, Advocate.

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**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**
ORAL ORDER

2 23-12-2016 Heard learned senior counsel for the petitioner and the

learned A.P.P. for the State as also learned counsel for the

informant.

The petitioner apprehends his arrest in connection with
Katihar (Town) P.S. Case No.712 of 2016 registered under
Sections 326, 307 and 302 of the Indian Penal Code besides
Section 27 of the Arms Act.

The accusation is that on 13.10.2016, in Moharram
Procession at Daultatram Chowk where Md. Rajjak, the son of the
informant Md. Mister, alongwith others was playing with lathi. At
that time, the lathi, which was being played by Md. Rajjak, the son



of the informant, touched the petitioner upon which the petitioner ordered his son Md. Guddu Ansari to kill him, then Guddu Ansari took out a pistol and shot fire at Md. Rajjak, who fell down. Thereafter, Md. Rajjak was taken to the Sadar Hospital from where he was referred to Medical College and, thereafter, for better treatment, he was referred to Paramount Hospital, Siliguri, from where he was again brought to Katihar Medical College on 29.10.2016 where he died on 01.11.2016.

Learned senior counsel appearing on behalf of the petitioner submits that the petitioner is the practicing Advocate at Civil Courts, Katihar, and he had lodged Complaint Case No.1346 of 2015 on 01.06.2015 in the court of the Chief Judicial Magistrate, Katihar, against the Police Inspector and other police personnel of Katihar Police Station in respect of entering in his house in the midnight of 25.05.2015. Further submission is that Md. Guddu Ansari, son of the petitioner, was in bad association and due to his ill behaviour, the petitioner deserted him and filed Misc. Case (Sanha) No.215 of 2014 in the court of the Chief Judicial Magistrate, Katihar, stating that the petitioner has no concern with the misdeed of his son Md. Guddu Ansari. While the occurrence is said to be taken place on 13.10.2016 in the town of Katihar at the time of Moharram procession but the F.I.R. was



lodged on 02.11.2016 without explanation of lodging the F.I.R. after 20 days. In fact, the name of the petitioner has been figured in the F.I.R. as an order giver at the instance of officials of Police Station, Katihar, against whom the petitioner had filed Complaint Case No.1346 of 2015 in the court of the Chief Judicial Magistrate, Katihar, on 01.06.2015.

Having considered the facts and the circumstances of the case, let the petitioner, above named, in the event of his arrest or surrender by him within six weeks from today, be enlarged on bail on his furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Katihar, in connection with Katihar (Town) P.S. Case No.712 of 2016, subject to the conditions laid down under Section 438(2) Cr.P.C.

(Rajendra Kumar Mishra, J)

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