

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39676 of 2016

Arising Out of PS.Case No. -187 Year- 2016 Thana -DARBHANGA SADAR District-
DARBHANGA

=====

Md. Mahtab @ Md. Mehtab @ Mehtab Alam, Son of late Md. Ibrar,
resident of Village - Bari Bhalni, P.S. Sadar (Mabbi O.P.), District-
Darbhanga.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

=====

Appearance:

For the Petitioner/s : Ms. Madhuri Lata, Advocate.

For the Opposite Party/s : Ms. Reena Sinha, A.P.P.

=====

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 17-09-2016

Heard both sides.

The petitioner apprehends his arrest in Sadar (Mabbi O.P.) P.S. case No. 187 of 2016 registered under Section 307 and other sections of the Indian Penal Code and Section 27 of the Arms Act.

The informant alleged that while he was going to take tea along with his friend Md. Alauddin on a motorcycle, the petitioner along with four other persons came on two motorcycles and the petitioner fired at the informant which caused injury on his neck.

Sri Birendra Kumar Sinha, learned senior counsel for the petitioner, submits that the petitioner is innocent and he has in fact committed no offence. The petitioner has falsely been

implicated in the case on account of previous enmity. Sadar P.S. Case No. 132 of 2014 is registered for the killing of his father. The maternal uncle of the informant is also one of the accused against whom investigation is still pending. The story of firing appears to be quite improbable as the pillion rider Alauddin did not identify the petitioner and he also did not get any injury.

On the other hand, learned counsel for the informant as well as learned A.P.P. opposed the prayer for anticipatory bail.

It appears that the informant himself made a very specific allegation that the petitioner fired which hit on his neck. The informant is not an accused in the killing of the father of the petitioner.

Considering the facts aforesaid, I am not inclined to enlarge the petitioner on anticipatory bail in Sadar (Mabbi O.P.) P.S. Case No. 187 of 2016. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J)

Dilip/-

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