

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.18828 of 2016

Arising Out of PS.Case No. -12 Year- 2016 Thana -PALASI District- ARRARIA

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1. Abdul Rafique Son of Late Maqbool Hussain
 2. Md. Afaq Alam, Son of Jalauddin,
 3. Md. Murtaza, Son of Abdul Rafique,
 4. Abdullah, son of Late Faizuddin,
 5. Israil @ Md. Israil, Sonof Mumtaz Ali,
 6. Master Amiruddin, Son of Late Mazubool Hussain,
 7. Md. Siddique, Son of Abdul Razzaque, All are resident of village -
Bhattabari, Police Station - Palasi, in the district of Araria.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mr. Akshileshar Pd. Singh
With Mr. Vijay Kumar

For the Opposite Party/s : Mr. G.S.Gupta(App)

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

3 12-05-2016 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor appearing on behalf of the State.

This application for anticipatory bail arises out of Palasi
P.S. case No. 12 of 2016, disclosing offences under Sections
147,148,149,341,323,324,307,504,506,302 of the Indian Penal
Code.

The petitioners are accused in a case registered for the
offence punishable under Section 302 of the Indian Penal Code.

It is submitted on behalf of the petitioners, referring to
the First Information Report that there are altogether 24 persons



named in the First Information Report but the allegation of assault is only against co-accused, Noorul Hooda and Md. Naushad Alam. It has further been submitted that the deceased died seven days after the date of occurrence and for the occurrence which had taken place on same day and time, a counter case has been alleged by the wife of Md. Naushad Alam. It has been submitted that several persons on the side of these petitioners also suffered injuries.

Learned Senior Counsel appearing on behalf of the petitioners has submitted that no offence under Section 302 of the Indian Penal Code is made out because the deceased died seven days after the date of occurrence. I do not find any substance in the submission that no offence under Section 302 of the I.P.C. can be said to be made out for the reason that the deceased died seven days after the date of occurrence, despite the fact that he died of the injuries received in the said occurrence.

Further, in paragraph 3 of application, there is specific averment that the petitioners are men of clean antecedent and no other case is pending against them.

A counter affidavit had been filed on behalf of the informant stating therein that petitioner Nos. 3,4,5,6 and 7 are accused in various cases, details of which have been given in

paragraph 2 of the said counter affidavit. Thereafter, a supplementary affidavit/rejoinder has been filed on behalf of the petitioners giving the details of the cases in which the petitioner Nos. 3,4,5, and 7 are facing criminal prosecution.

On the sole ground that a false statement has been made in paragraph 3 of the application that petitioners have no criminal antecedents, I am not inclined to entertain this application for anticipatory bail.

This application is, accordingly, rejected.

The petitioners are directed to surrender before the Court below within four weeks from today and seek regular bail, if so advised. If they do so, their applications for regular bail shall be considered on its own merit, without being prejudiced by rejection of present application for grant of anticipatory bail.

(Chakradhari Sharan Singh, J)

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