

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.55506 of 2017

Arising Out of PS. Case No.-40 Year-2016 Thana- DUMARIA District- Gaya

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Rafique Ansari, son of Late Siddique Ansari, Resident of village+P.O.-
Adarchak, P.S.- Dumaria, District- Gaya.

... .. Petitioner

Versus

The State of Bihar.

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Krishna Kant Singh, Adv.

For the Opposite Party/s : Mr. Nityanand, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2 20-11-2017 Heard Sri Krishna Kant Singh, learned counsel for the
petitioner and Sri Nityanand, learned Addl.Public Prosecutor.

The sole petitioner, who is in custody since 16.08.2016 in
Dumaria P.S. Case No.40/2016 registered for the offence under
Sections 147, 148, 149, 341, 504, 323, 324, 325, 307, 302, 448,
380 of the Indian Penal Code, has prayed for grant of bail purely
on the ground of parity.

It was submitted by learned counsel for the petitioner that
one of the co-accused, namely, Tabrez Ansari, against whom
similar accusation like the petitioner was made and he was also
in custody for the same day, on which date the petitioner has
been taken in custody, has been granted bail vide order dated
01.05.2017 passed in Cr.Misc.No.13641 of 2017(Annexure-2 to
the petition). He submits that one another accused, namely,



Khurshid Ansari also having similar accusation was extended the privilege of bail vide order dated 10.11.2017 passed in Cr.Misc.No.52962 of 2017 and, as such, a prayer has been made that same relief may be granted to the petitioner.

At the very outset, the Court wanted to call for case diary, however learned counsel for the petitioner insisted that other accused persons, having similar accusation, have been granted bail and, as such, the petitioner may be extended the privilege of bail.

Besides hearing learned counsel for the parties, I have also perused the F.I.R. On going through the F.I.R., it is evident that there is accusation against twenty named accused persons with two others, who entered into the house of the informant and brutally assaulted her father and uncle. Besides father and uncle of the informant, number of other family members were assaulted and her father and uncle subsequently died during treatment. Though there is general and omnibus allegation, fact remains that in the occurrence, two persons were done to death, besides other family members were assaulted by the accused persons. The Court is of the opinion that only on the ground of parity, the petitioner may not be extended the privilege of bail and at least my conscious does not permit to extend the



privilege of bail to the petitioner.

The petition stands dismissed.

(Rakesh Kumar, J)

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