

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43615 of 2017

Arising Out of PS.Case No. -472 Year- 2014 Thana -MINAPUR District- MUZAFFARPUR

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1. Md. Alam Son of Late Md. Fida Hussain Resident of Village Ali Neura,
P.S. Minapur, District - Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sunil Srivastava

For the Opposite Party/s : Mr. Dinesh Singh

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA

ORAL ORDER

3 21-12-2017 Heard both sides.

The petitioner apprehends his arrest in Minapur P.S.
Case No.472 of 2014 registered under Sections 302 and 34 of the
Indian Penal Code.

Md. Taiyab, the informant alleged that his father died
20 years ago and his mother was living with him. His mother gave
some land to the informant for which his younger brother, Md.
Abran made protest. The informant further alleged that in the
evening he heard unusual sound of his mother and when he went
there he saw the petitioner and others fleeing away from the
occurrence.

The learned counsel for the petitioner submits that the
petitioner is nephew of the informant. Nobody has seen the



occurrence. The deceased died on account of fall. The police after investigation submitted final form as mistake of fact but the learned court below took cognizance against the petitioner and others. It is further submitted that during the course of investigation, witnesses have also stated that deceased died on account of fall. Similarly situated co-accused persons have already been granted anticipatory bail but from perusal of the F.I.R., it appears that informant and many other witnesses have stated that they saw the petitioner fleeing away from the occurrence. The witnesses saw the mother of the informant lying in the pool of blood. The doctor opined that the injury was caused by hard and blunt substance. There is ill motive of the petitioner because the deceased had executed some deed in transferring the land in favour of the informant.

Considering the facts aforesaid, I do not find the case fit for grant of anticipatory bail. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J)

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