

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47937 of 2017

Arising Out of PS.Case No. -279 Year- 2017 Thana -ARARIA District- ARRARIA

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Abdulla S/o Late Md. Arsad Hazi @ Late Arsad Hazi, R/o Village-
Bangama, P.S. and District- Araria.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mritunjay Prasad Singh, Advocate

For the Opposite Party/s : Mr. Mithilesh Kumar Khare, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 19-12-2017 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

Petitioner is languishing in judicial custody since
07.07.2017 in connection with Araria P.S. Case No. 279 of 2017
pending in the Court of learned Chief Judicial Magistrate, Araria
registered for the offences punishable under Sections 302/34 of the
Indian Penal Code.

The prosecution case, as lodged by the informant, is
that on the fateful day her father along with his two sons and five
other persons assaulted her sister with fists, slaps and iron rod on
which she was seriously injured and succumbed to the injuries.

It has been submitted by the learned counsel for the
petitioner that he is innocent, bears no criminal antecedent and he



is the Samdhi of the father of the informant and he belongs to a different village. He submits that there was land dispute between the petitioner and the brother of the deceased and that general and omnibus allegation has been levelled against all the accused persons, including the petitioner. He submits that even the informant is not the eye-witness to the alleged occurrence and that charge-sheet has already been submitted.

However, learned A.P.P. for the State opposes the prayer for bail stating therein that with common intention, all the accused persons including the petitioner have killed the informant's sister.

Considering the facts and circumstances and the materials on record, I am not inclined to grant the privilege of bail to the petitioner at this stage. This application is, accordingly, rejected.

However, petitioner is at liberty to renew his prayer for bail after framing of charge.

(Nilu Agrawal, J.)

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