

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34939 of 2017

Arising Out of PS.Case No. -39 Year- 2013 Thana -JHANJHARPUR District- MADHUBANI

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1. Md. Badiuzzama Son of Abdul Kalam, R/o Village- Gidarganj, P.S.-
Andhrathadhi, District- Madhubani Petitioner

Versus

1. The State of Bihar Opposite Party

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Appearance :

For the Petitioner : Mr. Lakshmi Kant Sharma, Adv.

For the Opposite Party : Mr. Nawal Kishore Prasad, APP 113

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR

JHA

ORAL ORDER

2 18-10-2017 Heard both sides.

The petitioner apprehends his arrest in Sessions Trial No. 50 of 2016 arising out of Jhanjharpur (Arariya Sangram) P.S. Case No. 39 of 2013 under Sections 279, 337, 338 and 304A of the Indian Penal Code. Later on Sections 302 and 120B/34 of the Indian Penal Code were added.

The prayer for anticipatory bail of the petitioner was earlier rejected, vide order, dated 31.07.2017, passed in Cr. Misc. No. 41668 of 2014.

The learned counsel for the petitioner submits that the petitioner is brother-in-law of the deceased. Earlier the case was rejected 304A of the Indian Penal Code, but, thereafter, the first information report was registered on the basis of the fardbeyan of statement of Hasibul Mansuri. It transpired during the course of investigation that the petitioner and others came on two motorcycles and surrounded the deceased. They brutally assaulted Md. Anatullah, who happens to be the brother-in-law of the informant, Hasibul Mansuri. Md. Anatullah died on the spot. It is submitted that during the course of investigation it has come



that Md. Anatullah was killed to get appointment on compassionate ground and the petitioner is not the beneficiary, but, from the records it appears that it was the petitioner and others who brutally assaulted Md. Anatullah, who died on spot and, thereafter, the facts were twisted to show that Md. Anatullah died in accident.

Considering the facts, aforesaid, I do not find fresh ground to re-consider the prayer for anticipatory bail of the petitioner.

Accordingly, the prayer for anticipatory bail, once again, is **rejected**.

(Prabhat Kumar Jha, J)

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