

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44305 of 2017

Arising Out of PS. Case No.-112 Year-2015 Thana- JALALGARH District- Purnia

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Akhtar @ Md. Akhtar Hussain Son of Summan, R/o Village- Jalkar, P.S.-
Jalalgarh, District- Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Md. Ziaul Quamar

For the Opposite Party/s : Mr. SIR PAWAN KUMAR CHAURASIYA

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**

ORAL ORDER

2 21-09-2017 Heard learned counsel for the petitioner and learned APP
for the State.

The petitioner apprehends his arrest in connection with
Jalalgarh P. S. Case No. 112 of 2015 registered for the offences
punishable under Sections 147, 148, 149, 323, 307, 302, 504,
427 of the Indian Penal Code.

In the first information report, against the petitioner, there
is allegation that the petitioner and Quiyum broke the
motorcycle and further there is allegation that they assaulted the
deceased also.

Submission is of false implication and that the petitioner
in no way is connected with the assault to the deceased. The
only allegation is that he and co-accused Quiyum broke the
motorcycle and as such the petitioner deserves sympathetic



consideration.

Learned APP opposes the prayer of pre-arrest bail by submitting that the informant and other witnesses have stated that besides Sakib and other co-accused persons including the petitioner assaulted the deceased brother of the informant with fist and slaps causing his death on account of an incident in which Sakib is said to have dashed the motorcycle of the informant.

In the facts and circumstances stated above, this Court is not inclined to grant privilege of pre-arrest bail to the petitioner and accordingly, his such prayer stands rejected.

However, the petitioner, if so advised, surrenders and seeks regular bail then his prayer for bail shall be considered on its own merit without being prejudiced by the present order.

(Jitendra Mohan Sharma, J)

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