

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43087 of 2017

- =====
1. Md. Tajmul son of Usman Ali
 2. Md. Ajmul son of Usman Ali
 3. Md. Idrish @ Eddan son of Abdul Aziz
 4. Md. Aausan son of Abdul Hamid

All are residents of village - Sulindabad, P.S. + District - Saharsa.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Abdul Wahid son of Md. Tamizuddin, resident of village - Sulindabad,
P.S. & District - Saharsa.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pramod Mishra, Adv.

For the Opposite Party/s : Mr. Satya Nand Shukla, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR
ORAL ORDER

3 01-11-2017 1. Heard learned counsel for the petitioners and
learned Additional Public Prosecutor for the State.

2. The prayer of anticipatory bail of all the petitioners
was rejected with a certain observation. On perusal of order dated
19.08.2017 passed in Cr. Misc. No. 39316 of 2017 it appears that
there is an observation that the investigation remained pending for
two decades.

3. The learned counsel for the petitioner has rightly
pointed out that the matter was investigated and Police submitted
Final Form on 31.01.1997, but after two decades of submission of
final form the Court below took cognizance of offence against the
petitioners on 23.01.2017. The petitioners have not filed certified



copy of F.I.R., but on going through the Fardbeyan annexed with this application, I find that the informant has disclosed the name of petitioner nos. 3 and 4 in his Fardbeyan. He has stated that they had allegedly taken toddy with the deceased and the deceased was administered with poisonous toddy. In protest petition, the informant has disclosed about the enmity between the petitioners and the deceased. Anticipatory bail of all the petitioners was rejected considering the above facts.

4. In view of above, I do not find any reason to reconsider their prayer of anticipatory bail which has been refused on 19.08.2017. The petitioners if surrender before the court below and pray for bail, the same shall be considered on merit without being prejudiced by the order of this Court.

5. Accordingly, this application is disposed of.

(Sanjay Kumar, J)

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