

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44248 of 2017

Arising Out of PS.Case No. -712 Year- 2016 Thana -KATIHAR District- KATIHAR

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1. Md. Azimuddin Ansari @ Md. Guddu Ansari, son of Md. Alimuddin
Ansari, R/o Rajitpur, Ward No. 45, P.S.- Katihar, District- Katihar.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bidhan Chandra Jha, Advocate

For the Opposite Party/s : Mr. Panchanand Pandit, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3/ 02-11-2017

Heard learned counsel for the petitioner and learned

APP for the State.

Petitioner apprehends his arrest in **Katihar (town)**

P.S. Case No.712 of 2016 instituted for the offence under
Section(s) 326, 307, 302 Indian Penal Code and Section 27 of the
Arms Act pending in the Court of the **Chief Judicial Magistrate,**
Katihar.

It is alleged against this petitioner that on the order
of Md. Alimuddin Ansari, he fired shot on the son of Informant,
Md. Rajjaque, who sustained injury and fell down. He was taken
to Sadar Hospital, Katihar, and thereafter Katihar Medical
College and Hospital, from where he was referred to Paramount
Hospital, Silliguri, and ultimately succumbed to injury.

Counsel for the petitioner has submitted that there is
delay in lodging the First Information Report. The occurrence is



said to have been committed on 13.10.2016 and First Information Report has been instituted on 01.11.2016.

Learned APP has submitted that from the written report itself it will be apparent that the Informant remained busy in treatment of his son (since deceased) till 01.11.2016 in different hospitals where he ultimately succumbed to injury.

It is further submitted that in para 10 and 11 of the case diary independent witness have also supported the case levelling specific allegation against the petitioner.

From para 3 of the bail petition, it appears that the petitioner has criminal antecedents and total ten cases of serious nature are pending against him.

In such circumstances, this Court does not find it a fit case for grant of anticipatory bail.

Prayer of the petitioner for grant of anticipatory bail is rejected.

Petitioner may surrender before the Court below and seek regular bail, which shall be considered and disposed off in accordance with law on its own merit without being prejudiced by this order.

(Sanjay Priya, J)

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