

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11133 of 2018

Arising Out of PS.Case No. -73 Year- 2017 Thana -MAJHAULIA District-
WESTCHAMPARAN(BETTIAH)

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1. Sk. Matloob @ Md. Matlub, Son of Late Sk. Khalil @ Late Md. Khalil,
2. Sk. Tulai @ Sk. Faiyaj Alam @ Tulai @ Faiyaj, Son of Sk. AbdulBadari
Dhobi, Both are resident of Village- Kadamawa, P.S.- Gopalpur, District-
West Champaran.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey

For the Opposite Party/s : Mr. Sri Rajkishore Singh

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**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**
ORAL ORDER

2 26-02-2018 Heard learned counsel for the petitioners and learned
A.P.P.

Petitioners seek anticipatory bail in Majhauria P.S.Case
No.73 of 2017 instituted under Sections 302, 120(B)/34 of the
I.P.C.

Accusation is that while the informant Sk. Enamul along
with his brother Sk.Anwarul was returning to his house from the
market, in the way Sk. Bolar and Sk. Matlub (petitioner no.2)
ordered to kill them, on which the informant and his brother
started to flee away but the accused persons opened fire one of
which hit the back of the informant's brother Sk. Anwarul and he



fell down and accused Buchai, Sk.Tulai, Sk. Kari and three others caught hold Anwarul brother of the informant, and co-accused Sk. Buchai fired on Anwarul causing injury on his head. Sk.Tulai (petitioner no.2) also fired on the informant but the same did not hit him.

Learned counsel for the petitioners submits that while it is alleged in the F.I.R. that petitioner no.1 Md. Matloob and Sk. Tulai fired through pistol causing injury on the back of the Sk. Anwarul, deceased brother. In fact, petitioner no.1 was at Arunachal Pradesh on the date of occurrence in order to execute sale deed before the Judicial Magistrate. He further submits that while Sk. Tulai caught hold the deceased no specific overt act appears against the petitioners.

Having considered the aforesaid facts and circumstances I am not inclined to grant anticipatory bail to the petitioner. The prayer for bail is rejected.

(Rajendra Kumar Mishra, J)

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