

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.59775 of 2017

Arising Out of PS. Case No.-175 Year-1996 Thana- ARARIA District- Araria

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Sarfaraz Alam S/o Late Haji Taslimuddin @ Sri Taslimuddin (M.P.), R/o
Village- Sisouna, P.S.- Jokihat, District- Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arvind Kumar Mouar

For the Opposite Party/s : Mr. Satyavarat Verma

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

5 13-02-2018 Heard learned counsel for the petitioner and learned APP for
the State.

Petitioner apprehend his arrest in Araria P.S. case no. 175
of 1996 instituted for the offence under Section(s) 364,452, 323
and 504 of the Indian Penal Code.

In the written report, it is alleged that while the informant
was sleeping in the residence of one Navin Kumar Singh,
Junior Engineer, the petitioner along with 8-10 accused persons
came on a motorcycle and started abusing Navin Kumar Singh.
The informant identified one of the accused as this petitioner
and raised protest. Then the petitioner along with 4-5 other
accused persons assaulted the informant and they took him
away at the point of pistol on motorcycle driven by the
petitioner. They took the informant near the bank of a river and



brutally assaulted him and gave threat of dire consequences in the event case was lodged against them. Lastly, the accused persons brought the informant at Araria and pushed him down from the running motorcycle. As a result of which, he sustained injury.

The case diary has been received wherein the statement of the wife of Junior Engineer, namely, Punam Devi and the Junior Engineer Navin Kumar Singh are available in paragraph nos. 36 and 37. The learned APP submitted that both of them have supported the case of the informant. The statement of the informant has been recorded in paragraph no. 66 of the case diary, wherein he has fully supported the case as mentioned in the written report.

From the written report, it transpires that the occurrence is said to have taken place in 1996 and the petitioner has not surrendered in the Court below. Learned counsel for the petitioner has submitted that petitioner has challenged the order of cognizance vide Cr. Revision no. 203 of 2001 which was, ultimately, dismissed on 21.10.2016. Therefore, he did not surrender earlier.

A report was called for from the learned Court below which has been received wherein it has been mentioned that the



case is pending for appearance of the petitioner and warrants of arrest was issued against him on 8.2.2001. In this manner, the petitioner is evading arrest since 8.2.2001. Therefore, this Court is not inclined to grant anticipatory bail to the petitioner. Prayer for anticipatory bail of the petitioner stands rejected.

Petitioner may surrender before the Court below and make prayer for regular bail which shall be considered and disposed of on its own merit in accordance with law without being prejudiced by the present order.

(Sanjay Priya, J)

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