

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.26542 of 2018

Arising Out of PS.Case No. -104 Year- 2017 Thana -SIGORI District- PATNA

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Master Rauf @ Abdual Rauf Ansarai @ Abdul Rauf Ansari, S/o Late Rashid Ansari, Resident of Village - Makhdoomchak, P.S. - Sigori, District - Patna.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Sanjay Sinha, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Tiwary 1, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL ORDER

2 07-05-2018

Heard learned counsel for the petitioner, learned counsel for the State and learned counsel for the informant.

The petitioner seeks pre-arrest bail in connection with Sigori P.S. Case No. 104 of 2014 registered under Sections 302 read with 34 of the Indian Penal Code.

It is submitted by the learned counsel for the petitioner that the informant's side has land dispute pertaining to passage with the petitioner. On 9th of October, 2017, the father of the informant died a natural death due to cardiac failure. The incident to his death was made an excuse to institute a false case



against the petitioner and to commit loot and vandalize the house of the petitioner. It is submitted that the inmates of the petitioner's house were brutally assaulted and grievous injuries were caused to women folks who were also misbehaved by the accused persons. It is further submitted that though there is allegation in the first information report against the petitioner and others of assaulting the father of the informant by weapons, in the autopsy report, no injury was found on the body of the deceased.

On the other hand, learned counsel for the State submitted that the petitioner being a retired teacher has indulged in an occurrence in which the informant's father was killed. He submitted that it has specifically been alleged in the FIR against the petitioner that he was an order giver. With reference to the post mortem report brought on record by the petitioner, learned counsel for the informant submitted that the report is collusive one.

Be that as it may, taking into consideration the submissions made above as also the fact that no internal or external injury has been found in the post mortem examination by the doctor on the body of the deceased, in the event of arrest



or surrender in the court below within six weeks from today, the petitioner is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-V, Danapur, Patna in connection with Sigori P.S. Case No. 104 of 2017 subject to the conditions as laid down under Section 438(2) Cr. P.C.

(Ashwani Kumar Singh, J.)

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