

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42958 of 2018

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Manowar @ Md. Manowar @ Manewar S/o Sahabuddin , R/o Vill.-
Masnadpur Chatangi Hat , P.S.- Baisi , District- Purnea.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ram Prawesh Kumar, Advocate.

For the Opposite Party/s : Mr. Chaubey Jawahar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 19-07-2018 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner seeks pre-arrest bail in connection
with Baisi P.S. Case No. 250 of 2017 registered under Sections
147, 148, 149, 341, 323, 307, 379, 302 & 427 of the Indian Penal
Code.

The informant Sahnaj Praveen has alleged that in all
13 accused including the petitioner being variously armed with
deadly weapons entered into the shop of the informant and started
damaging the articles including the stitching machine kept therein.
They took away all the stitched clothes from the wardrobe and
when her husband asked them not to do so, co-accused Sanfaraz
and Shahbuddin dragged him outside of the shop and mercilessly
assaulted him. The other co-accused persons including the



petitioner mercilessly assaulted the son-in-law and brother-in-law of the informant as a result of which they sustained grievous injuries. In the meantime, accused Mustakim assaulted with farsa on the head of one Ansaar as a result of which he got badly injured and fell on the ground. On hue and cry, the accused persons opened fired and went away from the shop. Md. Ansaar was taken to Primary Heath Centre, from where he was referred to Sadar Hospital, Purnea for better treatment. Subsequently, Md. Ansaar died.

It is submitted by the learned counsel for the petitioner that there is omnibus and general allegation against the petitioner and co-accused Md. Sadique, Waris and Faruque, who are identically situated to that of the petitioner have already been granted pre-arrest bail by this Court vide order dated 06.04.2018 passed in Cr. Misc. No. 15473 of 2018.

Opposing the application for grant of pre-arrest bail of the petitioner, learned counsel for the State submitted that it is a case in which the husband of the informant, her son-in-law and brother-in-law were badly injured due to assault made by the petitioner and others and one Md. Ansaar was killed. He submitted that the allegations are serious in nature and the petitioner does not deserve the privilege of pre-arrest bail.



I have heard learned counsel for the parties and perused the record.

Regard being had to the gravity of the offence and the serious nature of allegation, with due respect to the order dated 06.04.2018 passed in Cr. Misc. 15473 of 2018 whereby some of the co-accused have been granted pre-arrest bail by this Court, I am not able to persuade myself to grant pre-arrest bail to the petitioner, as the petitioner is named in the F.I.R and there is specific allegation that he actively participated in commission of crime in which three persons were badly injured and one person was killed as also the fact that several articles of the shop were looted away and other articles were damaged. Accordingly, the application for grant of pre-arrest bail is rejected.

(Ashwani Kumar Singh, J)

Pradeep/Sneha

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