

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.69089 of 2018

Arising Out of PS. Case No.-91 Year-2018 Thana- CHAKAND District- Gaya

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1. Arshad Ayub @ Arshad Ali Son of Md. Jashimuddin
 2. Md. Salam S/o late Fajle Haque All are Resident of Village- Dabbo, P.S. Chakand, District Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner : Mr. Shardanand Mishra, Advocate.

Mr. Deepak Kumar, Advocate.

For the Opposite Party : Mr. Ram Priya Sharan Singh, APP.

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 19-12-2018 Heard Mr. Shardanand Mishra, learned counsel for the petitioners and Mr. Ram Priya Sharan Singh, learned APP for the State.

The petitioners seek bail in anticipation of their arrest in connection with Chakand P.S. Case No. 91 of 2018 dated 12.07.2018 instituted for the offences under Sections 302, 120(B) and 34 of the Indian Penal Code.

The informant has alleged that while the family members were deliberating for the purposes of partition of family property, the petitioners and others assaulted the father of the informant by means of hard and blunt substance on his head leading to injuries to him. The father of the informant had to be referred to the hospital for treatment where he died.



Learned counsel appearing for the petitioners has submitted that the petitioners are the agnates of the informant and the deceased and because of land dispute, they have been falsely framed in this case. This argument is of no avail to the petitioners when the same has been admitted in the FIR. There is no reference of any other cause of death of the deceased, which could have been considered in the present bail petition.

The prayer for anticipatory bail is rejected.

However, if the petitioners surrender before the court below within a period of four weeks and seek regular bail, the court below shall look into the totality of the circumstances and shall pass orders in accordance with law without being prejudiced by the fact that the present petition has not been entertained.

The petition is disposed off with the aforesaid observations.

(Ashutosh Kumar, J)

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