

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.61346 of 2017

Arising Out of PS.Case No. -158 Year- 2017 Thana -TARIYANI CHOWK District- SHEOHAR

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1. Aadil Afroj @ Sonu S/o Ajiz Alam, R/o Village- Hiramma, P.S.-
Tariyani, District- Sheohar.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Devendra Kumar, Adv.

For the Opposite Party/s : Mr. Mr. Manoj Kumar, APP.

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**

ORAL ORDER

3 25-01-2018 Heard the learned counsel for the petitioner and

learned APP for the State.

In this application, the petitioner apprehends his
arrest for the offences in connection with Tariyani P.S. Case No.
158 of 2017 punishable under Sections 460, 323, 324 and 307/34
of the Indian Penal Code.

Allegedly, the petitioner and other two FIR named
accused persons entered into the house of the informant from back
side after jumping the boundary wall and started taking away box
containing cash, ornaments and swing machine but in the
meantime, the son-in-law of the informant woke up and caught
one of them but all three accused started assaulting him and in the
meantime, the informant and another also came and caught them



then one of the accused assaulted the informant with butt of pistol, causing injury and other assaulted with sword to the son-in-law of the informant and the third one was blowing bamboo, but in spite of that, they were not released and their mask from face were removed and were identified, however, the police were informed but in the meantime, the petitioner and co-accused Md. Yakin fled away.

Submission is of false implication and that the petitioner has not been caught at the spot. There is no specific allegation against him. He has got no criminal antecedent. No offence under Section 460 and 307 IPC is made out. The petitioner is student of graduate. There is admitted land dispute between the parties. No any grievous injury has been caused to any one and, as such, the petitioner deserves sympathetic consideration.

Learned APP opposes the prayer of pre-arrest bail.

Considering the facts and circumstances as stated above and that the petitioner was identified at the spot and earlier he was apprehended but later on he fled away. Sword, bamboo, air pistol, mask etc. have been seized and, as such, I am not inclined to grant the privilege of pre-arrest bail to the petitioner and accordingly, his prayer stands rejected in connection with Tariyani P.S. Case No. 158 of 2017 pending before learned Additional



Chief Judicial Magistrate, Sheohar.

However, in case and if so advised, the petitioner surrenders and seeks regular bail, and then his prayer for regular bail shall be considered on its own merit without being prejudiced by this order.

(Jitendra Mohan Sharma, J)

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