

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.17780 of 2018

Arising Out of PS.Case No. -96 Year- 2016 Thana -CHANDRADEEP District- JAMUI

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1. Md. Azhar @ Md. Ashar @ Sufiyan Son of Md. Aslam Resident of
Village- Khutha, P.S. Barahiya, District- Lakhisarai.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Murari Naraian Choudhary

For the Opposite Party/s : Mr. Sri Mithilesh Kumar Khare

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA

ORAL ORDER

2 05-04-2018

Heard both sides.

The petitioner apprehends his arrest in Chandradeep
P.S. case No. 96 of 2016 for the offences punishable under Section
302, 307, 120B/34 of the Indian Penal Code and under Section 27
of the Arms Act.

Md. Jamal, the informant, alleged that on
08.10.2016 at 8 in the morning while he along with Md. Aslam
was taking tea at the tea stall of Rajendra Yadav, Md. Azhar @
Sufiyan, the petitioner, came on a motor cycle with a pillion rider.
Md. Azhar got identified Md. Aslam by signaling and on such the
pillion rider fired at Md. Aslam, which hit on his chest. Md. Azhar
and the assailant were fleeing but the villagers pelted stones in
which the assailant fell down from the motor cycle. The petitioner



managed to flee away.

The learned counsel for the petitioner submits that there is no allegation of assault against the petitioner. The informant named six persons in the FIR and four of them, namely, Hussain Sah, Kalam Sah, Meraj Sah and Minhaj Sah have already been granted anticipatory bail and the case of petitioner stands on the same footing but I find that the case of petitioner stands on quite different footing. It was the petitioner who brought Raj Kishore Kumar on his motor cycle and at the indication of the petitioner Raj Kishore Kumar fired at Md. Aslam, who died on the spot after receiving gunshot injury on his chest. The petitioner played pivotal role in getting Md. Aslam killed.

Considering the nature of allegation made against the petitioner, I am not inclined to enlarge the petitioner on anticipatory bail. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J)

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