

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27646 of 2018

Arising Out of PS.Case No. -1856 Year- 2017 Thana -SA SARAM NAGAR District- SASARAM
(ROHTAS)

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1. Rafique Ahmad @ Rafique Ahmed, s/o Late Abdul Gani, resident of
Mohalla- Kazipura, P.S.- Sasaram (Town), District- Rohtas.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bhaskar Shankar

For the Opposite Party/s : Mr. Sri Shantanu Kumar

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 11-05-2018 Heard the parties.

The petitioner is apprehending his arrest in connection with
Sasaram (T) P.S.Case No.1856 of 2017 registered for offences
punishable under Sections 302/34 of the Indian Penal Code and
Section 27 of the Arms Act.

Petitioner is said to be order-giver and there is allegation
against other accused persons of making indiscriminate firing
causing death of the son of the informant.

Submission of the learned counsel for the petitioner is that
there is case and counter case and the son of the petitioner has died
in the occurrence and the petitioner is at best order-giver and he
has criminal antecedent, which are old cases.

Heard learned A.P.P. and the learned counsel for the



informant. They have opposed the prayer for bail stating that the petitioner was also armed with rifle and though there is no specific allegation against him but there is allegation that all the accused persons made indiscriminate firing and moreover, he has criminal antecedent also..

Having heard both sides and in view of allegation and the petitioner has criminal antecedent also, I am not inclined to grant privilege of the anticipatory bail to the petitioner and if the petitioner surrender before the learned court below within a period of four weeks from the date of receipt of the order and make prayer for regular bail, which will be considered by the learned court below on its own merit without being prejudiced by the order of this Court.

With the aforesaid direction, this application is dismissed.

(Vinod Kumar Sinha, J)

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