

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.68752 of 2018

Arising Out of PS. Case No.-2 Year-2018 Thana- ANGARH District- Purnia

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Kausar Alam @ Kousar Alam, Son of Mojibur Rahman, Resident of Village-
Peergachhi P.S. -Angarh, 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 : Md. Ashlam Ansari, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 19-12-2018 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner seeks pre-arrest bail in connection with Angarh P.S. Case No.2 of 2018 registered for the offences punishable under Sections 354A, 363, 366A/511, 323 and 506 read with 34 of the Indian Penal Code.

It is contended by the learned counsel for the petitioner that the petitioner is not named in the first information report and in course of investigation, his name transpired as one of the associates of the main accused Madhav Kumar Das. He submitted that another co-accused Saheb Alam @ Md. Saheb Alam, whose name also transpired in course of investigation has already granted pre-arrest bail by a Bench of this Court vide order dated 31.07.2018 passed in Cr. Misc. No.34285 of 2018.

On the other hand, learned counsel for the State



opposed the application for grant of pre-arrest bail to the petitioner. He contended that at the time of occurrence when the informant along with his sister-in-law Asha Devi was coming to Angarh from Kishanganj Marwari College with his niece, who had appeared in matriculation examination, at about 6:25 p.m., near Jalil Chowk, the named accused Madhav Kumar Das and his three associates riding on two motorcycles after overtaking his motorcycle, abused and assaulted him and forcibly tried to abduct his niece on the point of pistol. He contended that the allegation is serious and the petitioner does not deserve pre-arrest bail.

I have heard the parties and perused the order passed by the learned Additional Sessions Judge whereby the application for grant of pre-arrest bail of the petitioner has been rejected, it would be manifest from the order passed by the court below that after the incident, the informant inquired about the unknown three persons and he came to know that the petitioner was also one of the miscreants, who had participated in the commission of the crime. The independent witnesses in para 5 and 6 have also taken the name of the petitioner as one of the miscreants involved in the crime.

Considering the gravity of the offence, with due



regard to the order passed by a co-ordinate Bench whereby co-accused Saheb Alam @ Md. Saheb Alam has been granted pre-arrest bail, I am not persuaded to grant pre-arrest bail to the petitioner. The application is rejected.

In case the petitioner surrenders and seeks bail, the same shall be considered on its own merit without being prejudiced in any manner by this order.

(Ashwani Kumar Singh, J.)

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