

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48630 of 2017

Arising Out of PS.Case No. -325 Year- 2017 Thana -GOPALGANJ TOWN District- GOPALGANJ

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1. Ahmad Ali Son of Late Mustufa Resident of village-Takiya Yakub, P.S.-
Town, District- Gopalganj

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner : Mr. Dineshwar Pandey

For the Opposite Party : Mr. Sri Satyendra Narayan Singh

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

5 04-01-2018

Heard learned counsel for the petitioner and the State.

The petitioner apprehends arrest in Gopalganj Town P.S.
Case No. 325 of 2017 initially instituted for the offence under Sections-
307, 324 & other minor Sections of the Indian Penal Code and later on,
Section-302 of the Indian Penal Code was added.

As per written report, there is specific allegation against
this petitioner of assaulting the father of the informant on head with
iron rod. It is further alleged that Samse Alam pierced knife in the
abdomen of father of the informant, causing serious injury and
subsequently, father of the informant died

The case diary has been received.

The statement of the deceased Sarfuddin has been recorded
before his death by the police in para 42 of the case diary wherein he
has levelled specific allegation against this petitioner of assaulting with



iron rod on the head. He has further stated that he is feeling that he will not live for long period because of the injury sustained by him. In paragraph-3 of the petition, it has been mentioned that the petitioner has criminal antecedent.

Counsel for the petitioner has submitted that the postmortem of the deceased was not done. The inquest report was not prepared.

Counsel for the informant has submitted that wife of the deceased has expressed her inability to get performed the postmortem of the deceased.

In such circumstances, this court does not find it a fit case for grant of anticipatory bail. Accordingly, prayer for anticipatory bail stands rejected.

The petitioner is directed to surrender in the court below and seek regular bail which will be considered and disposed of on its own merit without being prejudiced by this order.

(Sanjay Priya, J)

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