

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.57218 of 2018

Arising Out of PS.Case No. -179 Year- 2015 Thana -SATHI District-
WESTCHAMPARAN(BETTIAH)

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Md. Fazlur Rahman @ Fazrul Rahman @ Fazlu Rahman, Son of Sheikh Zahruddin, Resident of Village- Daniyal Parsauna, Police Station- Sathi, District- West Champaran.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Ram Kishun Prasad

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

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2. 10-10-2018

Heard learned counsel for the petitioner and

learned counsel representing the State.

Petitioner in the present case is seeking anticipatory bail in connection with Sathi P.S. Case No. 179 of 2015 registered for the offence under Sections 147, 148, 149, 323, 324, 307, 379, 448, 504 of the Indian Penal Code and later on Section 302 of the Indian Penal Code too was added and cognizance has been taken under Sections 341, 302, 323, 324, 307, 448, 504/34 of the Indian Penal Code, pending in the court of learned Additional Chief Judicial Magistrate – VII, Bettiah, West Champaran.

Learned counsel for the petitioner submits that on perusal of the First Information Report, it would appear



that even though the petitioner is named as one of the members of the mob who was armed with weapons but no assault has been attributed to him.

Learned counsel submits that the petitioner is also on bail in the other cases indicated in paragraph-3 of the application.

Learned Additional Public Prosecutor for the State as well as learned counsel for the informant have opposed the prayer for anticipatory bail of the petitioner and submits that vide paragraph-1 of this application, the earlier application of the petitioner seeking anticipatory bail was dismissed because the petitioner had moved this court by suppressing the facts regarding the criminal antecedent and after this court called for the show cause from the deponent, and while filing show cause, learned counsel for the petitioner had sought permission to withdraw this application itself. It is because of the said withdrawal of the application the court had not gone into those issues.

Considering the facts and circumstances of the case wherein the petitioner had withdrew the earlier application, in the facts and circumstance present in the order as contained in Annexure-A, this court is not inclined



to grant privilege of anticipatory bail to the petitioner.

Accordingly, prayer for anticipatory bail of the petitioner is rejected.

If the petitioner prays for regular bail within a period of three weeks from today in the court below, his prayer for regular bail shall be considered by the court below keeping in mind the materials available on the record and the contention of the petitioner that no role has been attributed to him in the matter of assault on the deceased.

This application stands disposed off.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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