

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4189 of 2019

Arising Out of PS. Case No.-359 Year-2018 Thana- KRITYANAND NAGAR District-
Purnia

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1. Md. Mister, son of Late Sadulla, Resident of Jhunni, Istam Barar, P.S-K.Nagar, Distt.-Purnea
 2. Md. Raju @ Md. Ali Hasan @ Abdul Hasan, son of Md. Kasim, Resident of Jhunni, Istam Barar, P.S-K.Nagar, Distt.-Purnea

... .. Petitioners

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.N.K.Agrawal, Sr.Advocate with
Mr. Dr. Bidhu Ranjan, Advocate
For the Opposite Party/s : Mr.Abhay Kumar, APP

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

4 11-03-2019 Petitioners seek bail in anticipation of their arrest in connection with K. Nagar P.S. Case No. 359 of 2018, registered for the offences punishable under Sections 341. 323. 324. 307/34 and later on Section 302 IPC was added.

Allegation against the petitioners is that deceased along with petitioners proceeded for Purnea and thereafter the deceased has not come back till 11 P.M. in the night and in the meantime the informant received information that the decease was not traced out and later on the informant came to know that deceased Afroj Alam was admitted in Sadar hospital and after perusal of injury report it appears that he was assaulted by sharp cutting weapon with intention to kill him and he was referred to Bhagalpur Medical College.

Submission of learned counsel for the petitioners is that except suspicion there is nothing against them and they



have falsely been implicated in this case.

Heard learned APP and learned counsel for the informant, who has opposed the prayer for anticipatory bail stating that the statement of the informant shows (paragraph 8 of the case diary) that seeing the informant, the petitioners hide in the room and after changing their dress they came out from the house and they did not disclose whereabouts of the deceased. Further he has submitted that paragraph 37 of the case diary shows that there was some dispute with the deceased and the petitioners with respect to fare of tempo and further post mortem report shows that deceased had received two injuries on his body, including his head.

Having heard both sides and in the facts and circumstances, as stated above, I am not inclined to grant privilege of anticipatory bail to the petitioners. However, if petitioners surrender and make prayer for regular bail, the same shall be considered on its own merit, without being prejudiced by this order.

With the above observation, this application is dismissed.

(Vinod Kumar Sinha, J)

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