

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15203 of 2019

Arising Out of PS. Case No.-474 Year-2018 Thana- BIHPUR District- Bhagalpur

MD. RABUL HASAN @ RABUL HASAN Son of Late Ismile Resident of
Village - Milki, P.S.-Bihpur, District- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vikram Singh

For the Opposite Party/s : Mr.Madhura Nand Jha

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 02-05-2019 Heard learned counsel for the parties.

The petitioner is apprehending his arrest in connection with Bihpur P.S.Case no.474 of 2018 registered for offences punishable under Sections 302, 120B and 34 of the Indian Penal Code and Section 27 of the Arms Act.

Prosecution story as per the FIR is that on the sound of firing, the informant went there and saw his brother lying having sustained bullet injury on his head and chest, in the meantime, he saw three persons fleeing away and he identified two persons of them. FIR further discloses that his nephew Md. Aqib was on road, disclosed that the petitioner and one more person have fired on the deceased killing him. The reason behind the occurrence as per FIR is that the petitioner was trying to grab two Kathas of government land and filling of the spoil, he had informed about the same with authority concerned and for that he was earlier threatened.

Submission of the learned counsel for the petitioner is



that there is contradictory statement of the informant and his nephew, there is enmity from before and he has been falsely implicated in this case as well as he has no criminal antecedent. It has also been submitted that after investigation the police has not found the case true against the petitioner but the cognizance has been taken .

Heard learned A.P.P. also, who has opposed the prayer for bail on the ground that the statement of the nephew of the informant and re-statement of the informant disclose the name of the petitioner. There is enmity from before also.

Having heard both sides and considering the aforesaid facts and circumstances, I am not inclined to grant privilege of anticipatory bail to the petitioner, however, the petitioner is directed to surrender before the learned court below within a period of six 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.

With the aforesaid direction, this application is dismissed.

(Vinod Kumar Sinha, J)

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