

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18735 of 2019

Arising Out of PS. Case No.-233 Year-2018 Thana- KHODAWANDPUR District- Begusarai

1. MD. KHURSHID @ MD. KHURSHID ALAM Son of Abdul Kadir, Resident of Village - Bakari, P.S.- Khodawandpur, District- Begusarai
2. Md. Siddik @ Mohammad Sadik Son of Mohammad Mirhasan Resident of Village - Bakari, P.S.- Khodawandpur, District- Begusarai
3. Md. Lal Babu @ Md. Tausif Son of Md. Ishamul Haque Resident of Village - Bakari, P.S.- Khodawandpur, District- Begusarai

... .. Petitioners.

Versus

The State of Bihar

... .. Opposite Party.

Appearance :

For the Petitioner	:	Mr. Ram Shankar Pradhan, Senior Advocate. Mr. Jainendra Kumar, Advocate.
For the State	:	Mr. Dashrath Mehta, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

4 15-07-2019 Heard learned counsel for the petitioners and the learned A.P.P. for the State.

The petitioners apprehend their arrest in connection with Khodawandpur P.S. Case No.233 of 2018 registered under Sections 302/34 of the Indian Penal Code, pending in the court of the Sub Divisional Judicial Magistrate, Manjhaul.

The accusation is that the land dispute was going in between the informant and the petitioner no.1, namely, Md. Khurshid alias Md. Khurshid Alam, who wanted that Amina Khatoon, the grandmother of the informant, transfer the land of her share in his favour for which he used to put pressure upon



the grandmother of the informant. In the morning of 26.10.2018, the petitioners came on two motorcycles and accompanied the grandmother of the informant forcibly. After two hours, the informant received information to the effect that his grandmother is lying in injured condition at a lonely place in between Nawlapur and Khodawandpur. Thereafter, the informant and his family members went there and identified his grandmother. She was lying on the ground after sustaining injury. The grandmother of the informant was taken to Primary Health Centre , Khodwandpur for treatment from where she was referred to Sadar Hospital, Begusarari, for better treatment, where she died in the evening of 04.11.2018.

Learned counsel appearing on behalf of the petitioners submits that it would appear from the F.I.R. that while the occurrence took place on 25.10.2018 but the informant lodged the present case on 05.11.2018 after the death of his grandmother. In fact, Khodawandpur P.S. Case No.199 of 2018 was lodged against the informant and others under Sections 406, 420, 323, 341, 307 and 379/34 of the Indian Penal code by the petitioners' side, due to that reason, the informant has falsely implicated the petitioners in the present case.

On the other hand, learned Additional Public



Prosecutor for the State opposes the prayer of the petitioners for grant of privilege of pre-arrest bail submitting that in the post-mortem report of the grandmother of the informant, external injury was found on her person.

Having considered the facts and the circumstances of the case and the nature of allegation against the petitioners, I am not inclined to grant anticipatory bail to the petitioners. Accordingly, the prayer of the petitioners for grant of anticipatory bail stands rejected. However, the petitioners are directed to surrender before the trial court within four weeks from today and pray for regular bail, which shall be considered by the trial court in accordance with law without being prejudiced by the order of this Court.

(Rajendra Kumar Mishra, J)

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