

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43992 of 2019

Arising Out of PS. Case No.-44 Year-2013 Thana- CIVIL LINE District- Gaya

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Zaffar Ashraf @ Zafar Ahmad, Son of Abdul Jabbar, Resident of Village -
Bamsah, P.S.- Purulia, West Bangal, At present Residing at Nagmatia Colony,
P.S.- Civil Lines, District - Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Surendra Kumar Singh, Adv.

For the Opposite Party/s : Mr.Navin Kumar Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 24-09-2019 Heard learned counsel for the petitioner and learned
APP for State.

The petitioner in this case is seeking anticipatory bail
in connection with Civil Lines P.S. Case No.44 of 2013
registered for the offences punishable under Section 302/34 of
the Indian Penal Code.

Learned counsel for the petitioner submits that the
petitioner is not named in the FIR and he has been falsely
implicated on mere suspicion.

Learned APP for the State submits that while it is true
that the petitioner is not named in the FIR, but on perusal of the
case diary it appears that the several witnesses have stated about
his presence and participation in the alleged occurrence of



killing of one boy namely Monty. Learned APP further submits that this case is of the year 2013. The petitioner had earlier moved this Court in Cr.Misc.No.32836 of 2013 which was allowed to be dismissed for non-prosecution on 05.02.2014. The present application has been filed after more than five and half years of the dismissal of the anticipatory bail application, therefore, in the given facts and circumstances, the petitioner does not deserve privilege of anticipatory bail.

Considering the facts and circumstances of the case where it is a matter of record that the petitioner has moved fresh application after five and half years from the date of dismissal of his first application for default and then in the case diary several witnesses have identified this petitioner on the place of occurrence and have alleged that this petitioner was one of the accused and group of the accused who were assaulting Monty together, this Court is of the view that it is not a fit case for grant of anticipatory bail. The prayer is refused.

Learned counsel for the petitioner submits that the petitioner shall surrender within four weeks from today.

If the petitioner surrenders in the court below within the aforesaid period of four weeks and prays for regular bail, his prayer for regular bail shall be considered on its own merit



without being prejudiced by the order of this Court.

(Rajeev Ranjan Prasad, J)

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