

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75845 of 2018

Arising Out of PS. Case No.-34 Year-2018 Thana- AMDABAD District- Katihar

Md. Rashid S/o Late Abdul Rauf Resident of Village-Baluwa, P.S. Amdabad,
Distt.-Katihar.

... .. Petitioner.

Versus

The State Of Bihar

... .. Opposite Party.

Appearance :

For the Petitioner	:	Mr. Bipin Kumar, Advocate.
For the State	:	Mr. Iftekhar Mahmood, A.P.P.
For the Informant	:	Mr. Surendra Kumar Singh, Advocate.

**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

5 29-04-2019 Heard learned counsel for the petitioner and the
learned A.P.P. for the State as also the learned counsel for the
informant.

The petitioner apprehends his arrest in connection
with Amdabad P.S. Case No.34 of 2018 registered under
Sections 341, 323, 324, 325, 307, 504/34 and, later, on, added
Section 302 of the Indian Penal Code, pending in the court of
the Chief Judicial Magistrate, Katihar.

The accusation is that in the evening of 03.03.2018,
the informant Md. Ajmal and his uncle Maniruddin were going
to the market for purchasing the vegetable. At that time, 8
persons, named in the F.I.R., including the petitioner surrounded
the informant and his uncle Maniruddin. Thereafter, on the



order of this petitioner, Md. Najrul alias Bhola caused grievous injury through sword at the forehead of the informant. In the meantime, Md. Ishaque caused fracture injury on the left leg of the informant through iron rod. In that course, Md. Manik and Md. Hakim caused injury to Maniruddin, the uncle of the informant, through sword, whereas Md. Sagir, Md. Rafique and Alauddin caused fracture injury at his both legs through iron rod. The cause of occurrence is said to be land dispute in between the parties.

Learned counsel appearing on behalf of the petitioner submits that while on the basis of the written report of the informant, the present case was instituted on 03.03.2018 under Sections 341, 323, 324, 325, 307 and 504/34 of the Indian Penal Code but, later on, Maniruddin, the uncle of the informant, died in course of treatment, and Section 302 of the Indian Penal Code was added.

On the other hand, learned counsel appearing on behalf of the informant submits that, in fact, the petitioner, who is accused in four other cases, as detailed in paragraph-3 to this application, is absconding since the institution of the present case and the chargesheet has already been submitted by the police, showing the petitioner as absconder and the trial of the



other accused is going on by separating the record of the petitioner.

Having considered the facts and the circumstances of the case and the nature of allegation, I am not inclined to grant the privilege of pre-arrest bail to the petitioner and, accordingly, his prayer for grant of privilege of pre-arrest bail stands rejected. However, the petitioner is directed to surrender before the court below and pray for regular bail, which shall be considered by the court below in accordance with law without being prejudiced by the order of this Court.

(Rajendra Kumar Mishra, J)

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