

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47851 of 2019

Arising Out of PS. Case No.-160 Year-2018 Thana- KUMAR KHAND District- Madhepura

MD. KAMRUDDIN @ MD. KARMUDDIN S/o Late Md. Oli Resident of
Village- Tikulia, P.S.- Kumarkhand, District- Madhepura.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md. Harun Quareshi, Advocate
For the Opposite Party/s : Mr.Anand Mohan Prasad Mehta

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 16-11-2019 Heard the learned counsel for the petitioner
and the State.

The petitioner seeks bail in anticipation of his arrest in connection with Kumar Khand P.S. Case No. 160 of 2018 dated 08.08.2018 instituted for the offences under Sections 147, 148, 149, 361, 323, 354(B), 307, 504, 506/34 of the Indian Penal Code in which Section 302 IPC was added on 11.09.2018.

It appears that the petitioner and many others went to the house of the informant and assaulted him as well as his father leading to his father's death.

Learned counsel for the petitioner submits that there is a land dispute between the parties and the accusation of assault which led to the fatal injury on the person of the deceased is not attributed to him. It has



further been submitted that during the course of investigation, it has come by way of definite evidence that someone else had assaulted the deceased. Apart from this, it has been submitted that there is a counter version of the occurrence as well.

Considering the aforesaid facts, I am not inclined on the set of facts available in the FIR as also in the investigation reports to grant anticipatory bail to the petitioner.

The prayer for anticipatory bail is rejected.

Should the petitioner surrender within a period of four weeks from today, the court below shall take into account all the necessary facts in the correct perspective and shall pass orders in accordance with law without being prejudiced by the fact that the present petition has not been entertained.

(Ashutosh Kumar, J)

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