

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54740 of 2019

Arising Out of PS. Case No.-1 Year-2016 Thana- NIMCHAKBATHANI District- Gaya

MD. SHAKIL AHMAD @ MD. SHAKIL, Aged about 33 years, Male, Son of
Md. Alidaj Mian, Resident of Village Manjhauli, P.S. Neemchak Bathani,
District Gaya.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kunwar Narayan Jamuar
For the Opposite Party/s : Mr.Uday Chand Prasad

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 06-11-2019 Heard both sides.

The petitioner apprehends his arrest in Neem Chak
Bathani P.S. Case No.1 of 2016, registered under Sections 302
and 34 of the Indian Penal Code and under Section 27 of the
Arms Act.

Learned counsel for the petitioner submits that the
prayer for anticipatory bail of the petitioner was earlier rejected
vide order dated 28.07.2016, passed in Cr. Misc. No.23092 of
2016 but the petitioner was not apprehended and he is
continuously on duty as Master in government school. The
petitioner has falsely been implicated in the case and on the
ground of his being not arrested by the police, the petitioner
again moved this Court for grant of anticipatory bail.



According to the allegation made in the FIR, Md. Shakil, the petitioner and his brother, Md. Wakil are alleged to have fired which hit on the head of the father of the informant and the father of the informant died on the spot. Md. Imran is also said to have fired which hit Kalo Miyan. There is specific allegation against the petitioner that he also fired and on such consideration the prayer for anticipatory bail of the petitioner was rejected on 28.07.2016 but the petitioner did not surrender in the court. This fact itself shows that the petitioner has scant respect for the law and he appears to be fearless and not law abiding people.

Taking into consideration the facts aforesaid, I am not inclined to enlarge the petitioner on anticipatory bail. Accordingly, the prayer for anticipatory bail of the petitioner is rejected.

Let a copy of this order be sent to the S.S.P., Gaya and a report be called for from the S.S.P., Gaya as to under what circumstances, no action has been taken against the petitioner. The S.S.P., Gaya is directed to submit the report within three weeks from the date of receipt of this order failing which necessary action in accordance with law shall be taken against the S.S.P., Gaya.



List this case on 11.12.2019 under the heading to be mentioned after receipt of the report of the S.S.P., Gaya.

(Prabhat Kumar Jha, J)

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