

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48940 of 2019

Arising Out of PS. Case No.-547 Year-2018 Thana- BARAUNI District- Begusarai

1. MD. RIZWAN Son of Md. Hakim Resident of Village - Hamodih, Maida Babhangama, Ward No. 6, P.S.- Barauni, Distt - Begusarai.
2. Md. Soyeb @ Md. Suyeb Son of Md. Hakim Resident of Village - Hamodih, Maida Babhangama, Ward No. 6, P.S.- Barauni, Distt - Begusarai.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr.Shubhesh Pandey, Advocate
For the Opposite Party/s	:	Mr.Ram Anurag Singh, APP
For Informant	:	Mr. Sandip Kumar Gautam, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 20-11-2019 Heard learned counsel for the petitioners and learned APP representing the State as also for the informant.

At the outset, learned counsel for the petitioners informs that petitioner no. 1 has been arrested during the pendency of this application.

In the aforesaid view of the matter, this application so far as petitioner no. 1 is concerned, since he has been arrested, the same has become infructuous and this application survives only with respect to petitioner no. 2.

The petitioner no. 2 in this case is seeking anticipatory bail in connection with Barauni P.S. Case No. 547 of 2018 registered for the offences punishable under Sections 302, 201/34 of the Indian Penal Code.

Learned counsel for the petitioner submits that there is no eye witness to the alleged occurrence and there is no material to



connect the petitioner's involvement in the killing of the informant's son and only on the basis of suspicion the petitioner has been made accused in this case.

Learned APP for the State and learned counsel for the informant opposed the prayer of anticipatory bail.

Considering the facts and circumstances of the case where it transpires from reading of the fard-beyan of the informant that this petitioner being brother of Md. Rizwan had threatened the son of the informant that he would have to face the dire consequences and thereafter, the dead body of the son of the informant was found in a well, this Court is of the opinion that the petitioner does not deserve privilege of anticipatory bail.

This Court has also been informed that the process under Sections 82 and 83 Cr.P.C. has already been exhausted against the accused and petitioner.

The application is dismissed.

In case the petitioner surrenders and prays for regular bail before the court below within a period of four weeks from today, 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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