

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49733 of 2019

Arising Out of PS. Case No.-152 Year-2019 Thana- KOILWAR District- Bhojpur

Sagir Husain @ Sagir Hussain S/O Rashid Mian @ Abdul Rashid, Resident of
Village- Rajapur Pachrukhiya, P.S.- Koilwar, District - Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Md. Ataul Haque, Advocate
For the informant :		Mr. Niranjana Kumar, Advocate
For the Opposite Party/s :		Mr.Pawan Kumar Chaurasia, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 08-08-2019 Heard learned counsel for the petitioner, learned
counsel for the informant as well as learned A.P.P. for the State.

The petitioner apprehends his arrest in Koilwar P.S.
Case No.152 of 2019 registered under Sections 147, 148, 149
and 302 of the Indian Penal Code.

The informant named the petitioner along with 13
other accused persons and alleged that the accused persons
along with 20-25 unknown persons having armed with different
weapons came and raised slogan “Lal Salam-Lal Salam”. When
the informant and his brothers were going to cast their votes, on
the order of Nandjee Rai, Baidyanath Yadav assaulted his
brother Malay Singh with the butt of the rifle. Malay Singh fell
down on the ground and all the accused persons



indiscriminately assaulted Malay Singh. Thereafter, Malay Singh was referred to P.M.C.H. and on the same day during course of treatment he died.

Learned counsel for the petitioner submits that there is specific allegation against Baidyanath Yadav and no specific allegation of assault is made against the petitioner. Nandjee Rai has already been granted anticipatory bail in Cr.Misc.No.48009 of 2019. The case of the petitioner stands on better footing.

Learned counsel for the informant and learned A.P.P. opposed the prayer for anticipatory bail of the petitioner and submit that the petitioner was the member of murderous mob, who surrounded Malay Singh (brother of the informant) and assaulted him.

Having considered the facts aforesaid and the fact that the petitioner after having conspired with each other formed an unlawful assembly and assaulted Malay Singh (brother of the informant) resulting his death, I am not inclined to enlarge the petitioner on anticipatory bail. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J)

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