

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66099 of 2019**

Arising Out of PS. Case No.-46 Year-2019 Thana- JALALGARH District- Purnia

1. Md. Kasim aged about 60 years (male) Son of Late Abdul Basir
 2. Ansur Rahman aged about 55 years (male) Son of Late Sayed Ali
 3. Safikul @ Safikul Alam aged about 40 years (male) Son of Late Ajhar Ali
 4. Taimur @ Md. Taimur aged about 44 years (male) Son of Late Siddik
 5. Md. Murtaj @ Murtaja aged about 40 years (male) Son of Late Lofar Ali
 6. Abdul Jabbar aged about 35 years (male) Son of Md. Siddik
 7. Lal Chand @ Md. Lalchan aged about 26 years (male) son of Md. Murtaj
 8. Md. Habib @ Md. Habibur aged about 38 years (male) Son of Late Mustafa
 9. Abdin aged about 30 years (male) Son of Ansur Rahman @ Ansur Rahman
 10. Nurul Haque aged about 45 years (male) Son of Ajimuddin
- All residents of Village- Jangla, Kol, P.S.- Srinagar (K. Nagar), District Purnea.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners	:	Mr. N.K. Agrawal, Sr. Advocate, Dr. Bidhu Ranjan, Advocate
For the State	:	Mr. Ansar Ul Haque, APP
For the Informant	:	Mr. Ram Prawesh Kumar, Advocate

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER**

3 14-11-2019 Heard learned senior counsel for the petitioners, learned
APP for the State and learned counsel for the informant.

The petitioners apprehend their arrest for the offences
alleged under Sections 147, 148, 140, 341, 323, 324, 325, 307 and
302 of the Indian Penal Code registered in connection with
Jalalgarh P.S. Case No. 46 of 2019.

The prosecution story, in brief, is that one Mofijul



Haque filed written application before SHO Jalalgarh Police Station stating therein that on 13.05.2019 at about 11.30 A.M., he was harvesting his maize crop, when all 51 named accused along with 15-20 unknown persons forming unlawful assembly, armed with deadly weapons came there beating the drum and started assaulting the informant. The land belongs to his cousin Kawatullah. All these incidents were committed on instruction of Ajit Pathak. He ordered to kill him and on his provocation Ansur Rahman, Md. Kasim, Abdul Rahman, Md. Jamal, Sofiku, Md. Illiyas and Habib having *farsa*, *Dabiya* in their hand assaulted Aatur Rahman brutally due to which he died. In this assault Taimur, Murtaj, Narul Abdin, Lal Chand, Abdul Jabbar, Ajijul having sword and *farsa* in their hand assaulted, Mubarak, Moffijul and Jainul on their hand and Samsul Haque on his eye and also assaulted other persons with intention to kill them. All the injured were taken to hospital. The accused persons committed similar offence only in order to grab the land. Prior to this, his person had committed such offence for which cases were lodged on 24.04.2019 as K. Nagar (Srinagar) P.S. Case No. 143 of 2019 and Jalalgarh P.S. Case No. 55 of 2019.

Learned senior counsel for the petitioners submits that other two persons have been granted regular bail and there is general and omnibus allegation against the petitioners. The offence under Sections 307 and 302 of the IPC. are not made against these petitioners and other allied sections of the IPC are bailable. It is



further submitted that some of similarly situated accused persons have surrendered before the learned court blow but they have been granted regular bail by this Court.

In the facts and circumstances of the case, I am not inclined to grant anticipatory bail to the petitioners. The anticipatory bail petition stands dismissed.

(Anjani Kumar Sharan, J)

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