

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62456 of 2019

Arising Out of PS. Case No.-71 Year-2019 Thana- AMDABAD District- Katihar

MD. EKHLAKH @ MD. EKHLAKH AHMED @ SK. EKHLAKH, aged
about 21 years, Male, Son of Sagir Ahmad, Resident of Village- Belgachhi,
P.S.- Amdabad, District- Katihar (Bihar) ... Petitioner

Versus

The State of Bihar ... Opposite Party

Appearance :

For the Petitioner : Mr. Ajit Kumar Singh, Adv.
For the Opposite Party : Mr. Arun Kumar Singh, APP

**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

2 17-10-2019 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the state.

The petitioner seeks pre-arrest bail in connection with
Amdabad P.S. Case No. 71 of 2019, pending in the Court of the
Judicial Magistrate, 1st Class, Katihar, registered under Section
147, 148, 149,, 323, 307, 39, 504 and 506 of the Indian Penal
Code.

The accusation is that persons, named in the first
information report, including the petitioner, variously armed
with weapon, surrounded the tempo in which uncle of the
informant, Sheikh Serajul, was sitting and started to cause
assault pulling him from the tempo. On receiving information,
on mobile, informant also reached there. At that time, this
petitioner gave the sword blow at the head of Sheikh Muzzamil,
uncle of the informant, and Sheikh Rinku tried to



press the neck by holding gamchha.

Learned counsel appearing on behalf of the petitioner submits that while in the first information report specific allegation is made against the petitioner to give the sword blow at the head of the uncle of the informant and one sharp cut injury at the perital region, which is grievous in nature, but, in his restatement the informant has stated that all have caused assault. Further, submission is that occurrence of marpeet took place in which both sides sustained injury in which the mother of the petitioner sustained injury, regarding which Amdabad P.S. Case No. 71 of 2019 was instituted.

Having regard to the facts and circumstances of the case, I am not inclined to grant the privilege of pre-arrest bail to the petitioner. The prayer for pre-arrest bail is **rejected**. The petitioner is directed to surrender before the Court below and seek regular bail, which will be considered on its own merit and without being prejudiced of this order.

(Rajendra Kumar Mishra, J)

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