

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66378 of 2019

Arising Out of PS. Case No.-109 Year-2019 Thana- POTHIIYA District- Kishanganj

MD. SONU @ SAJJAD HUSSAIN Son of Md. Israil @ Israil @ Lal Bano
Resident of Village-Kharabari Udgara, Ward No.9, P.S-Pothiya, District-
Kishanganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Bhola Prasad
For the Opposite Party/s :	Mr. Lalan Kumar
	Mr. Binay Kumar

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 11-12-2019 Heard both sides.

The petitioner apprehends his arrest in Pothia P.S.
case No. 109/2019 registered under Section 341, 323, 302,
307/34 of the IPC.

Salimuddin, the informant, named as many as eight
persons and disclosed that they all abused the informant and
assaulted him with fists and slaps on account of petty dispute.
When his nephew, Imtiyaz, and his son, Rehan, came to save the
informant Md. Israil @ Lal Bano and Noor Ismail assaulted
Imtiyaz with wood plank on his head from the back side. Md.
Imtiyaz got injury on his head and died. Rehan, son of the
informant, also got injuries on his hand and head.

The learned counsel for the petitioner submits that



petitioner is named in the FIR but omnibus and general allegation is made against him that he assaulted the informant but the informant did not receive any injury. Md. Imtiyaz, nephew of the informant, is said to have assaulted by Md. Israil @ Lal Bano and Noor Ismail on his head. Only two injuries are found on the person of Imtiyaz. Rehan, son of the informant, also got simple injuries.

On the other hand, the learned counsel for the informant as well as the learned APP opposed the prayer for anticipatory bail and submitted that petitioner is also alleged to have assaulted the informant. The learned APP drew my attention at page 9 of the supplementary case diary and submitted that process under Section 83 of the Cr. P. C. has been completed on 22.08.2019. The petitioner has already been declared absconder and, therefore, the petitioner does not deserve anticipatory bail.

It appears that, of course, the petitioner is not the assailant of the deceased, Md. Imtiyaz, or Rehan, son of the informant, but the petitioner has already been declared absconder.

Taking into consideration the facts aforesaid, I am not inclined to enlarge the petitioner on anticipatory bail.



Accordingly, the same is rejected.

If the petitioner surrenders in the court below, the learned court below shall consider the prayer for regular bail of the petitioner on its own merit without being prejudiced from the order of this court taking into consideration the fact that petitioner is not the assailant of the deceased.

(Prabhat Kumar Jha, J)

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