

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62695 of 2018

Arising Out of PS. Case No.-27 Year-2018 Thana- ISHIPUR District- Bhagalpur

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Md. Majid, Son of Seikh Nasiruddiun, Resident of Village- Mangarh, P.S.
Meherma, District- Godda.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Md. Najmul Hodda

For the Opposite Party/s : Mr.Sri Yogendra Kumar

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 11-03-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is apprehending his arrest in a case registered for the offences punishable under Sections 394 and 302/34 of the Indian Penal Code and Section 27 of the Arms Act. Subsequently, section 120B of the IPC was also added.

The prosecution case as per the fardbeyan of Ghanshyam Paswan recorded by S.I., Jitendra Pal, Station House Officer of Ishipur Barahat P.S. on 26.02.2018 at 11.00 P.M. is to the effect that on 26.02.2018 the informant, Ghanshyam Paswan being an auto rickshaw driver was coming along with his wife, Pinki Devi, son Aryan and younger brother,



Ashish Kumar on auto rickshaw after being getting treatment but on the way, two miscreants stopped the auto rickshaw and tried to rob the auto rickshaw and ultimately one of the persons fired on the wife of the informant causing injury, who ultimately succumbed to the injury. The FIR was lodged against unknown. During investigation, it transpired that the informant himself made a conspiracy with the petitioner, Md. Kamil @ Dimond and Md. Ajmer and got his wife killed. The impugned order suggests that prior to the alleged occurrence the informant had a conversation with the petitioner and co-accused Md. Kamil @ Dimond and given final shape to the occurrence.

It is submitted by learned counsel for the petitioner that the petitioner is not named in the FIR and the name of the petitioner sprang up on the confession of co-accused Md. Kamil @ Dimond.

Learned APP submits that the petitioner in connivance with the informant killed the wife of the informant.

Considering the nature of accusation and the material collected during investigation, this Court is not inclined to grant anticipatory bail to the petitioner in connection with Ishipur Barahat P.S. Case No. 27 of 2018, pending in the Court of learned Chief Judicial Magistrate, Bhagalpur.



Accordingly, the prayer for anticipatory bail of the
petitioner is rejected.

(Dinesh Kumar Singh, J)

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