

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9892 of 2020

Arising Out of PS. Case No.-158 Year-2019 Thana- AURAI District- Muzaffarpur

1. Md. Afjal Firdoushi @ Afzal Firdausi @ Md. Firdos, Male, aged about 19 years, S/o Md. Nasim Alam @ Md. Bhola @ Nasim Ahmed, Resident of Near Post Office Awapur, Awapur @ Sherpur, Awapur, Pupri, Sitamarhi.
2. Nasim Ahmed @ Md. Bhola @ Md. Nasim Alam, Male, aged about 57 years, Son of Mehrizaan @ Mehdi Jaan T- 257 Idgah Road Gali No.01, Qasab Pura, Quresh Nagar, Delhi Six, North Delhi, 110006. P.S. Sadar Thana
3. Md. Amjad, Male, aged about 20 years, S/o Md. Juhi, R/o Ward No.11, P.S. Aurai, Kokilwara, Kokilwara Muzaffarpur, Aurai, Bihar 843312
4. Md. Faijal, Male, aged about 24 years, Son of Md. Juhi, R/o Ward No.11, P.S. Aurai, Kokilwara, Kokilwara, Muzaffarpur Aurai, Bihar 843312

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md. Jubair Ansari, Advocate

For the Opposite Party/s : Mr.Sanjay Kumar Tiwary

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 23-06-2020 Heard the parties through the virtual court proceeding.

The petitioners apprehend their arrest in connection with Aurai P.S. Case No.158 of 2019 registered for the offences punishable under Sections 341, 323, 324, 307, 354, 379, 504 and 506/34 of the Indian Penal Code.

The prosecution case in brief is that the informant Rabbana Khatoon submitted a written application against the petitioners and other namely Md. Afroz for the alleged occurrence in the night at village Kokilwara Bichla Tola. It has been inter alia alleged that all the accused persons suddenly



came at the door of the informant and they were shouting that come out from the house as they had to talk something over which the husband of the informant said from inside that whatever talk has to be done will be done tomorrow in the morning as he is going to sleep. It is alleged that all the accused persons began to shout and started thumping and pushing the gate over which the husband of the informant came and protested and as soon as he opened the gate, all the accused persons having pistol, sharp weapon and knife in their hand started assaulting to the husband of the informant and draggd him out by assaulting him and took him to the east side on the tea shop. It has been also alleged that t he informant was pushed inside and the door of t he house was closed from the outside over which informant went on the roof and raised alarm and saw that accused Md. Afroz has put pistol on the temple of her husband and in scuffling the pistol fell on the ground.

Learned counsel for the petitioners submits that the petitioners are innocent and have committed no offence and have falsely been implicated in the present case. He further submits that the petitioner no.s1 and 2 are son and father of the accused Md. Afroz who is not the petitioner. He further submits that the petitioner nos.3 and 4 are cousin of the other accused



Md. Afroz, who is already brought in jail.

Learned A.P.P. for the State has opposed the prayer for bail and submits that the injury no.2 is threatening to life. The doctor opined the injury no.2 is threatening to life and others are simple in nature.

In the facts and circumstances of the case, I am not inclined to grant anticipatory bail to the petitioners. Accordingly, the prayer for anticipatory bail is hereby rejected in connection with Aurai P.S. Case No.158 of 2019. However, the petitioners are directed to surrender before the court below and the learned court below shall pass the order on the same day without being prejudiced by this order.

(Anjani Kumar Sharan, J)

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