

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.6129 of 2020**

Arising Out of PS. Case No.-167 Year-2019 Thana- PARIHAR District- Sitamarhi

1. MD. GULZAR Son of Mukhtar Resident of Village- Sutihara, P.S.- Parihar, District- Sitamarhi.
2. Md. Aslam Son of Abdul Quddus Resident of Village- Sutihara, P.S.- Parihar, District- Sitamarhi.
3. Abdul Quddus @ Mohammad Kuddus Son of Late Ainul Haque Resident of Village- Sutihara, P.S.- Parihar, District- Sitamarhi.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr.Ashhar Mustafa, Advocate
For the State	:	Mr.Bhanu Pratap Singh, APP
For the Informant	:	Mr. Ajay Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

5 18-09-2020 Heard learned counsel for the petitioners and Mr. Bhanu Pratap Singh, learned A.P.P. for the State as well as Mr. Ajay Kumar Singh, learned counsel representing the informant.

Petitioners, in the present case, are seeking pre-arrest bail in connection with Parihar P.S. Case No. 167/2019 registered for the offence under Sections 341, 323, 324, 504, 506, 307, 354, 302, 109 and 34 of the Indian Penal Code pending in the court of learned Chief Judicial Magistrate, Sitamarhi.

On the last date i.e. 19.08.2020 when this matter came for consideration before this court, the court could notice that



the petitioners have a submission in paragraph '9' of the petition wherein it is stated as follows:

“That although it is alleged that petitioner 2 and 3 along with others assaulted the informant and his brother Md. Asghar while they were trying to rescue the deceased, there is no such injury report to corroborate the same.”

It is because of the said submissions the petitioners were granted provisional bail vide order dated 03.03.2020, but with appearance of learned counsel for the informant when a specific plea was taken that there are injuries on the body of the father and mother of the informant and the informant also and those injuries have been specifically attributed to petitioner nos. 2 & 3, this court called for supplementary case diary in which injury reports were said to be available.

At this stage this Court was also informed by learned counsel for the petitioners that earlier the prayer for anticipatory bail of 11 co-accused was rejected by this very court in Cr. Misc. No. 84422/2019, though they have been later on granted regular bail by a learned coordinate Bench of this Court in Cr. Misc. No. 8718/2020.

Now the Supplementary case diary with the injury reports have been received. A perusal of the injury reports shows that one Abdul Rahim (father of the informant) has



received as many as four injuries, one of them is lacerated wound on parietal region. Md. Arman (brother of the informant) has also received two injuries, Lal Babu has received three injuries including one on middle of the head. Md. Guddu (informant) has received two injuries, one on the parietal region and Tanisha Khatoon (mother of the informant) had nasal bleeding, pain and swelling in right hand. It is, thus, apparent from the injury report that the allegations made by the informant are prima facie getting support from the injuries. The submissions thus made in Paragraph '9' of the petition based on which the provisional bail was granted seem to be incorrect.

Considering the nature of allegations when eleven co-accused had earlier approached this Court in Cr. Misc. No. 84422 of 2019, this Court had refused to grant privilege of Anticipatory Bail, in the alleged occurrence one of the brothers of the informant was also beaten to death. This Court is therefore of the considered opinion that the petitioners do not deserve privilege of anticipatory bail.

The prayer for anticipatory bail is, thus, refused.

In case the petitioners surrender and pray for regular bail in the Court below within four weeks from today, their prayer for regular bail shall be considered by the learned court



below on their own merit without being prejudiced by the present order of this Court.

This application is, thus, dismissed.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

