

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 6437 of 2020

Arising Out of PS Case No.-173 Year-2019 Thana- SULTANGANJ District- Bhagalpur

Md. Johny @ Md. Murad, aged about 38 Years, Male Son of Md. Samshad,
Resident of Village - Rahmatnagar, P.S.-Sultanganj, District- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md. Abdul Manan Khan and
Mr. Vinay Kumar, Advocates
For the State : Mr. Jharkhandi Upadhyay, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL JUDGMENT

Date : 28-02-2020

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends arrest in connection with
Sultanganj PS Case No. 173 of 2019 dated 26.07.2019 instituted
under Sections 341, 323, 307, 379, 120B/34 of the Indian Penal
Code and 27 of the Arms Act.

3. The allegation against the petitioner and five others is
that he had allured the informant to come with him and had taken
him to a secluded garden where three other accused had come and



after snatching the mobile and purse of the informant had also tried to shoot him but the informant while trying to snatch the gun was hit on the back of the head due to which he fainted and all the accused had gone away thinking him to be dead but upon gaining sense, the informant had gone home from where he was taken to the hospital for treatment and where his statement was recorded by the police.

4. Learned counsel for the petitioner submitted that he had just taken the informant to roam about in the garden and was not involved in any criminal activity nor was in collusion with the three assailants who had later come to the spot. It was submitted that due to the other three accused committing the crime and also having the gun, the petitioner had fled away to save his life out of fear, but he has no complicity in the episode. Learned counsel pointed out that similarly situated co-accused Md. Safi Alam has been granted anticipatory bail today by a coordinate bench of this Court.

5. Learned APP submitted that the fact that even afterwards the petitioner did not return to the spot to see as to what happened to the informant and also not informing the police about the incident, which was serious in nature as the other three accused had firearm with them, clearly indicates his role in the crime.



6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the Court is not inclined to enlarge the petitioner on anticipatory bail.

7. Accordingly, the application stands dismissed.

(Ahsanuddin Amanullah, J.)

P. Kumar

AFR/NAFR	
U	
T	

