

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19981 of 2020

Arising Out of PS. Case No.-13 Year-2020 Thana- KALYANPUR District- Samastipur

MD. AKHLAKUR RAHMAN SIDDIKI @ MD. AKHLAQUR RAHMAN
SIDDIQUE @ AKHLAKUR RAHMAN SIDDIKI Son of Neyaj Ahmad @
Neyaz Ahmad Resident of Village-Ratwara, Police Station-Kalyanpur,
District-Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ramakant Sharma, Sr. Adv. Mr. Bijay Bhushan Prasad
For the Opposite Party/s	:	Mr. Amitesh Kumar
For the informant	:	Mr. Zeyaul Hoda

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

9 07-12-2020 Heard learned Senior Counsel for the petitioner,
learned Counsel for the informant and learned Additional Public
Prosecutor for the State, through Video Conferencing.

This application, for grant of anticipatory bail, arises
out of Kalyanpur Police Station Case No. 13 of 2020, disclosing
offences under Sections 302/120-B of the Indian Penal Code
and Section 27 of the Arms Act.

The prosecution case, as per the First Information
Report, is that on 14.01.2020, at 7:45 PM the informant, on
noticing sound of a gunshot, came out of his house and saw that
his father was crying for help, lying in a pool of blood. The
informant has further alleged that the informant's father, who



had received gunshot injuries, disclosed to the informant that this petitioner, with two others, had conspired to get him shot at by 2-3 persons. It has further been stated that the deceased was taken to the Darbhanga Medical College and Hospital, where he breathed his last.

Learned Senior Counsel for the petitioner submits that the petitioner has falsely been implicated in this case due to political rivalry. He further submits that no motive has been assigned for the said conspiracy against the petitioner and so far as other accused persons are concerned, the motive has been attributed against them in the First Information Report itself. He further submits that the brother of the deceased, in paragraph 12 of the case diary, has not stated anything regarding the disclosure made by the deceased through his son at the time his son arrived at the place of occurrence. He further submits that in paragraph 36 of the case diary, the son of the deceased has stated that he will lodge First Information Report before Kalyanpur Police Station and he, at that time, did not disclose the name of the petitioner as one of the conspirators. He, relying on an order of this Court, passed, on 15.10.2020, in Criminal Misc. No. 18326 of 2020, submits that a co-ordinate Bench of this Court has come to the finding that with the nature of



injuries so sustained by the deceased, whether the deceased could have so vividly disclosed the petitioner's name with his parentage and age, is a question which ought to have been gone into by the police in course of investigation, and the same has not been gone into, as is evident from the contents of the case diary. He further submits that the co-ordinate Bench of this Court, in Criminal Misc. No. 18326 of 2020, has also come to the conclusion that in course of investigation, no material has been collected in the case diary to substantiate the conspiracy part of the accusation against the petitioner and others.

On the other hand, learned Counsel for the informant and learned Additional Public Prosecutor representing the State vehemently oppose the prayer for anticipatory bail and submit that the allegation against the petitioner is of conspiracy in the murder of the deceased and to find out the conspiracy angle, the custodial interrogation of the petitioner may be required. Learned Counsel for the informant submits that co-accused has been granted regular bail by this Court and the petitioner does not deserve the privilege of anticipatory bail.

After having heard learned Counsel for the parties concerned and taking into consideration the materials on record, the nature of allegation and the fact that other co-accused has



been granted regular bail by this Court, I am not inclined to grant the petitioner privilege of anticipatory bail.

This application is, accordingly, dismissed.

It is made clear that if the petitioner surrenders before the learned Court below within a period of four weeks from today and files an application for grant of regular bail, the learned Court below will consider the prayer for regular bail on its own merits without being prejudiced by dismissal of the present application for grant of anticipatory bail.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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