

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22306 of 2020

Arising Out of PS. Case No.-390 Year-2019 Thana- MANIHARI District- Katihar

MD. ZAFAR S/o- Md. Usman R/o- Baulia Gumti Narayanpur, P.S.- Manihari,
District- Katihar.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar Singh

For the Opposite Party/s : Smt. Veena Kumari Jaiswal

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 04-09-2020

Heard learned counsel for the parties.

This application for regular bail arises out of Manihari P.S. Case No. 390 of 2019, S.T. No. 83 of 2020, disclosing offence punishable under Section 307 and other allied Sections of the Indian Penal Code and Sections 25(1-b)1/26/27 of the Arms Act.

The case of the prosecution, as disclosed in the FIR, is that a police party had reached the petitioner's village to apprehend him as he was wanted in criminal cases. Allegedly, 40-50 persons variously armed attacked the police party in order to get the petitioner released from the arrest, with the use of force. Police officer is the informant, who has alleged that the petitioner's brother and another co-accused assaulted the Sub-Divisional Police Officer causing injuries. There is allegation of



assault on other police personnel also.

On perusal of paragraph-3 of the application, it appears that the petitioner is accused in following three cases :-

1. Manihari P.S. Case No. 40 of 2019, u/s 395 IPC
2. Kadwa P.S. Case No. 130 of 2019, u/s 395 IPC
3. Pranpur P.S. Case No. 75 of 2019, u/s 395 IPC

Considering the seriousness of the allegation and the petitioner's antecedent of his involvement in three other cases, I am not inclined to grant him privilege of regular bail for the present.

This application is accordingly rejected.

I have noted the submission made on behalf of the petitioner that some of the persons named in the FIR have been granted regular bail. I am rejecting the petitioner's prayer, keeping in mind the fact that it was he who was sought to be apprehended by the police in connection with other criminal cases of serious nature lodged against him and so as to forcibly get him freed from the clutches of the police, the occurrence had taken place.

It is directed that defects in the application pointed out by the Registry must be removed within two months from today.



Since there is a lockdown, the Court has considered it appropriate to adopt following procedure for communication of the present order:-

(i) The order, which has been dictated during the course of the proceedings of virtual Court, shall be communicated to me on my e-mail I.D. by the Secretary.

(ii) The corrected copy of the order shall be transmitted by me from my e-mail I.D. to the Secretary, which shall be treated to be the authentic copy of the order passed by this Court today in the present proceeding.

(iii) Hard copy of the order, duly signed by me, shall be preserved in my residential office for documentation and future use, if any.

(iv) Let a copy of the order be communicated to the learned court below through e-mail or any other appropriate electronic mode by the Registry.

Let steps be taken by the Registry for uploading of the present order without compromising with the norms of social-distancing.

(Chakradhari Sharan Singh, J)

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