

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24604 of 2020

Arising Out of PS. Case No.-258 Year-2019 Thana- UCHKAGAON District- Gopalganj

JAFAR ALI S/o Sher Mohammad @ Sher Mahammad Resident of Village-
Nawada Parsauni, P.S.-Uchakagaon, District-Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Javed Aslam
For the Informant	:	Mr. Akshay Lal
For the Opposite Party/s	:	Mr.Arun Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 25-11-2020 This matter is taken up for consideration through

Video Conferencing under the orders of Hon'ble the Chief

Justice.

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

The petitioner apprehends his arrest in Uchakagaon
P.S. Case No. 258 of 2019, registered for the offences
punishable under Section 302/34 of the Indian Penal Code.

Prosecution case in brief is that on 27.10.2019 at
about 7.00 am, while the informant's husband was going
through disputed *Rasta*, all the accused persons including this
petitioner objected and pushed him, as a result of which, he fell
down on the bricks. Later on, he succumbed to the injuries. It is



further alleged that accused persons assaulted the husband of informant due to land dispute.

It is submitted that petitioner has been falsely implicated in this case. From the FIR itself, it appears that some dispute over the passage occurred between the parties and on the spur of moment, deceased was pushed by the accused persons, as a result of which, he fell down and sustained injuries. Later on succumbed to the injuries. There is general and omnibus allegation. Section 302 of IPC is not made out against this petitioner. As per injury report, there is no external injury on the person of deceased. Moreover other co-accused have been granted anticipatory bail by a coordinate bench of this court vide order dated 02.07.2020 passed in Cr. Misc. No. 4444 of 2020 vide annexure-2. Petitioner has got clean antecedent as stated in para 3 of the petition.

However, counsel for the informant vehemently opposed the prayer for bail and submitted that petitioner is named in the FIR and actively participated in the crime and therefore, should not be given privilege of anticipatory bail.

Considering the facts aforesaid and the fact that there is no external injury on the person of deceased and petitioner has got clean antecedent, the petitioner above-named, in the



event of his arrest/surrender before the court below within a period of eight weeks from the date of receipt/production of a copy of this order, is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate IX, Gopalganj in connection with Uchakagaon P.S. Case No. 258 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

vinita/-

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