

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82276 of 2019

Arising Out of PS. Case No.-247 Year-2019 Thana- BAKHTIYARPUR District- Patna

1. Mohammad Kalam, Son of Mohammad Saiyed, Resident of Village - Chak Daulat, P.S.- Bakhtiarpur, Distt - Patna.
2. Mohammad Aalam, Son of Mohammad Saiyed, Resident of Village - Chak Daulat, P.S.- Bakhtiarpur, Distt - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Santosh Kumar, Advocate.

For the Opposite Party/s : Mr.Lalan Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

3 29-06-2020 Heard learned counsel for the petitioners and the learned A.P.P. for the State through Video Conferencing.

The petitioners apprehend their arrest in connection with Bakhtiarpur P.S. Case No. 247 of 2019, registered under Sections 302/34 of the Indian Penal Code and Section 27 of the Arms Act, pending in the court of A.C.J.M., Barh, Patna.

The accusation is that at about 2 p.m. on 25.07.2019, informant, Anwar Alam was present in one room and his wife and daughter were in another room. At that time, sound of *Khat-Khat* was heard on his gate then his wife and daughter came out from the house then saw that Md. Jahid, Bikki Alam, Nawajuddin @ Adil, Md. Kamruddin, Md. Muffu,



Md. Akthar, Md. Shawaj, Md. Alam (petitioner no.2), Md. Kalam (petitioner no.1) and Md. Heera were present there, who made query about the informant, on which, his wife told that he is not in the house. At that time, they were armed with pistol and rifle due to which his wife and daughter come in fear. On seeing them, his daughter, Saniya started crying, on which, Md. Jahid and Bikki fired twice causing injury at the chest of his wife, who fell down. Thereafter, all started to make query from his daughter about him then his daughter told that his father is not in the house then they moved from there. On raising alarm, informant came out from his house then saw that his wife was lying dead pool with blood.

Learned counsel for the petitioner submits that petitioner is the step brother of the informant due to that reason he has falsely been implicated in the present case. Further submission is that petitioner has no criminal antecedent.

On perusal of para 10 of the case diary, it appears that Sania Praveen, daughter of the informant has disclosed about the presence of the petitioner also along with other co-accused at the time of occurrence.

Having considered the facts and circumstances of the case and the nature of allegation against the petitioners, I am



not inclined to grant anticipatory bail to the petitioners
Accordingly, their prayer for grant of anticipatory bail stands
rejected. The petitioners are directed to surrender before the trial
court within four weeks and pray for regular bail, which would
be considered by the trial court in accordance with law without
being prejudiced by the order of this Court.

The provisional bail granted to the petitioners vide
order dated 12.12.2019 stands cancelled.

(Rajendra Kumar Mishra, J)

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