

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.87310 of 2019**

Arising Out of PS. Case No.-75 Year-1992 Thana- RAXAUL District- East Champaran

HABIB MIAN @ HAIB MIYAN, S/o Aashamaan Mian, R/o village-
Sahdeva, P.S.- Raxaul, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Umesh Chandra Verma

For the Opposite Party/s : Mr.Shyam Kumar Singh

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER**

3 18-02-2020 Heard learned counsel for the petitioner and learned APP
for the State.

The petitioner is apprehending his arrest in a case registered for the offence punishable under Sections 147, 148, 149, 302, 448, 380, 435, 427 of the Indian Penal Code and 27 of the Arms Act.

Prosecution case, in brief is that on the basis of fardbayan given by informant Beer Bahadur Raut FIR lodged u/s 147, 148, 149, 302, 448, 380, 435, 427 I.P.C. and 27 Arms Act against Hafin Mian, Jai Mangal Raut, Dharmnat Raut, Sagir Mian, Karmullah, Habib Main and other accused alleging therein that on 23.10.92 at about 4.00 PM all the accused persons including the petitioner armed with Nalkatua and Nepali gun in guise of Nepali police came at the informant's door and surrounded him. Ambika Raut fired with gun on Laldhari Mahto sleeping on his bed and caused hurt to his left side of chest, consequently he died. They entered into his house and



looted away all his articles. They set fire on his house which had been burning for 15 minutes. All the things were damaged by that setting fire.

Learned counsel for the petitioner submits that the FIR lodged on 23.10.1992.

On perusal of the record, it transpires that the petitioner is named in the FIR, the FIR lodged on 23.10.1992 and anticipatory bail application filed in the year 2019.

In the aforesaid facts and circumstances, I am not inclined to enlarge the petitioner on bail. Accordingly, the prayer for bail of the petitioner is rejected in connection with Raxaul P.S. Case No. 75 of 1992 from the Court of learned Sub-Divisional Judicial Magistrate, Raxaul, District-East Champaran.

Accordingly, the application is dismissed.

However, petitioner is directed to surrender before the learned court below and make prayer for bail, the learned court below shall dispose of the bail petition on the same day without being prejudiced by this order.

(Anjani Kumar Sharan, J)

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