

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17283 of 2021

Arising Out of PS. Case No.-178 Year-2020 Thana- SARAI District- Vaishali

1. Md Irfan Khan @ Irfan Khan (Male), aged about 40 years, son of Late Anamul Haq Khan, resident of Village - Maricha Ram, P.S. - Sarai, District - Vaishali at Hajipur.
2. Md. Sabir Alam @ Sabir Ansari @ Sabir Alam (Male), aged about 40 years, son of Badaruddin Ansari, resident of Mohamdabad, P.S. - Mahua, District - Vaishali at Hajipur.
3. Badruuddin Ansari @ Badaruddin Ansari (Male) aged about 71 years, son of late Md. Ibrahim Ansari, resident of Mohamdabad, P.S.- Mahua, District- Vaishali at Hajipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Chitranjan Sinha, Senior Advocate with Mr. Navjot Yesu, Advocate
For the State	:	Mr. Bhanu Pratap Singh, APP
For the Informant	:	Mr. Sabal Kumar Jha, Advocate

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 28-06-2021

The matter has been heard *via* video conferencing.

2. Heard Mr. Chitranjan Sinha, learned senior counsel along with Mr. Navjot Yesu, learned counsel for the petitioners; Mr. Bhanu Pratap Singh, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State and Mr. Sabal Kumar Jha, learned counsel for the informant.

3. The petitioners apprehend arrest in connection with Sarai PS Case No. 178 of 2020 dated 05.08.2020, instituted under Sections 302,120-B/34 of the Indian Penal Code.



4. The allegation against the petitioners is that they had inflicted *Gupti* and knife blow on two persons, who succumbed to such injuries.

5. Learned counsel for the petitioners submitted that no motive has been assigned in the FIR and further, that the sequence of events is not believable. It was submitted that it has been stated that the witness got down from the motorcycle and hid himself and saw the occurrence, but there is no explanation as to why no step was taken by him to stop the culprits. It was submitted that there is past rivalry between the parties due to which the petitioners have been implicated and even lady family members have been made accused. It was submitted that the petitioner no. 3 is an old man of 71 years. Further, it was submitted that counter case has also been filed in which injuries have been sustained on the side of the petitioners also.

6. Learned APP submitted that there are eye witnesses to the event and there is direct allegation of overt act i.e., the brutal manner in which the petitioners have inflicted blows and the postmortem report corroborates the FIR version.

7. Learned counsel for the informant submitted that there is direct allegation of inflicting knife blows against the petitioners and the death has occurred of both the victims.



8. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the Court is not inclined to grant pre-arrest bail to the petitioners.

9. Accordingly, the application stands dismissed.

(Ahsanuddin Amanullah, J)

J. Alam/-

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