

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33581 of 2020

Arising Out of PS. Case No.-5 Year-2020 Thana- AMAUR District- Purnia

MD. HAARISH @ MD. HARID @ MD. HARISH, S/o Late Najir Resident
of Hakka, Ward No. 10, P.S.- Amour, District- Purnea

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajit Kumar Singh

For the Opposite Party/s : Mr.APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 12-03-2021 Heard Mr. Ajit Kumar Singh, learned counsel

for the petitioner and learned APP for the State.

The petitioner seeks bail in anticipation of his arrest in connection with Amour P. S. Case No. 05 of 2020, dated 04.01.2020, instituted for the offences under Sections 147, 148, 149, 341, 323, 325, 324, 302 and 504 of the Indian Penal Code.

One Md. Jahangir is said to have begun the assault on one Rahwar because of his objection regarding uprooting of the maize crops standing in his field. Some of the persons came to the rescue of Rahwar when the petitioner and others also said to have been



joined the affray and assaulted the deceased.

There is no specific accusation against the petitioner and except for his being the member of the mob with an omnibus statement that he also participated in the occurrence, there is nothing else to connect the petitioner with the offence.

There is a counter version of the occurrence also but that case has been registered under Section 307 of the Indian Penal Code.

The post-mortem report reveals that there is only one ante mortem injury on the person of the deceased.

Three of the accused persons of this case having similar allegation have been granted bail by a different Bench of this Court.

Regard being had to the fact that the petitioner is named accused person in a case of murder, I am not inclined to grant anticipatory bail to him.

The prayer for anticipatory bail is rejected.



However, if the petitioner surrenders before the court below and seeks bail, the court below shall take into account the afore-noted facts, including the fact that the similarly situated persons have been granted bail by a Bench of this Court, and shall pass orders in accordance with law, without being prejudiced by the fact that the present petition has not been entertained by this Court.

(Ashutosh Kumar, J)

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