

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9857 of 2021

Arising Out of PS. Case No.-52 Year-2020 Thana- KUNALI District- Supaul

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1. MD. ALAUDDIN Son of Late Tajij Miya Resident of Kamalpur, Ward No. 09, P.S.- Kunali (Dagmara O.P.) and District- Supaul.
 2. Md. Saddam @ Saddam Hussain Son of Late Sudin Miya Resident of Kamalpur, Ward No. 09, P.S.- Kunali (Dagmara O.P.) and District- Supaul.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md. Najmul Hodda
For the Opposite Party/s : Mr. APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 20-12-2021 Heard Mr. Md. Najmul Hoda, the learned

counsel for the petitioners and the learned APP for the

State.

Mr. Hoda, seeks permission to withdraw the

petition with respect to the petitioner no. 1, who has

been arrested during the pendency of this petition.

The petition with respect to the petitioner no.

1/Md. Alauddin is dismissed as having become

infructuous.



The petitioner no. 2 seeks bail in anticipation of his arrest in connection with Kunauli P.S. Case No. 52/2020 instituted for the offences under Sections 147, 149, 323, 341, 325, 307, 384, 379, 504 and 506 of the Indian Penal Code.

The petitioner no. 2 along with others is said to have assaulted the informant who later died. However, the charge-sheet in this case has not been submitted under Section 302 of the Indian Penal Code.

The petitioner is, in a general manner, alleged to have assaulted the deceased as also his sister-in-law who had come to his rescue.

Considering the nature of accusation against the petitioner no. 2, I am not inclined to grant anticipatory bail to him.

The prayer for anticipatory bail of the petitioner no. 2 is rejected.

However, if he surrenders before the Court below and seeks bail, that petition shall be considered on



its own merits without being prejudiced by the fact that
the present petition for grant of anticipatory bail has not
been entertained.

(Ashutosh Kumar, J)

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