

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.418 of 2020

Arising Out of PS. Case No.-40 Year-2016 Thana- DUMARIYA District- Gaya

AZHAR SABRI Son of Allauddin Ansari Resident of Village- Adarchak, P.S.-
Dumaria, District- Gaya.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Ram Pravesh Nath Tiwari

For the Opposite Party/s : Mr. Anant Kumar 1

**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

3 05-03-2021 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner apprehends his arrest in connection with Dumaria P.S. Case No. 40 of 2016, registered under Sections 147, 148, 149, 341, 504, 323, 324, 307, 325, 302, 448 and 280 of the Indian Penal Code, pending in the court of the learned S.D.J.M., Sherghati at Gaya.

The accusation is that in course of hot talk in respect to quarrel between children of the family of informant Tamanna Parween and Allauddin Mian, 20 persons named in the F.I.R., including the petitioner, came at the door of the informant, variously armed with weapons, and started to cause assault. In that course, Aslam Ansari and Muzaffar Imam, father and uncle of informant sustained grievous injuries and



Zarina Khatoon, mother of informant, Bhiyum Bano, aunt of informant, also sustained injury. Thereafter, injured were rushed to Dumaria hospital from where Aslam Ansari and Muzaffar Imam, father and uncle of informant, referred to Gaya Hospital for better treatment, but both died in course of treatment.

Learned counsel appearing on behalf of petitioner submits that while petitioner and 19 others are named in the F.I.R., but no specific overt act has been attributed against the petitioner. Further submission is that the name of petitioner has been figured in this case due to dirty village politics.

On the other hand, learned A.P.P. opposed the prayer for pre-arrest bail of the petitioner with submission that Aslam Ansari and Muzaffar Imam, father and uncle of informant, succumbed to their injuries, Zarina Khatoon & Bhiyum Bano, mother and aunt of informant, also sustained injuries in the occurrence.

Having considered the facts and circumstances of the case and the nature of offence, I am not inclined to grant pre-arrest bail to the petitioner. Accordingly, his prayer for grant of pre-arrest bail stands rejected. The petitioner is directed to surrender before the trial Court within four weeks



and pray for regular bail, which shall be considered by the trial Court in accordance with law without being prejudiced by the order of this Court.

(Rajendra Kumar Mishra, J)

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