

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.20762 of 2021**

Arising Out of PS. Case No.-312 Year-2020 Thana- DARBHANGA SADAR District-  
Darbhanga

- 
1. MODASSIR TAUQUIER @ MD. NAIYAR S/O MD. TAUKIR ALAM @ MD. TAUKIR R/O VILLAGE- LOAM (GAIRPUR) PS SADAR DISTRICT-DARBHANGA
  2. MOBASSIR TAUQUIER @ MD. FAISAL S/O MD. TAUKIR ALAM @ MD. TAUKIR R/O VILLAGE- LOAM (GAIRPUR) PS SADAR DISTRICT-DARBHANGA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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**Appearance :**

|                          |   |                        |
|--------------------------|---|------------------------|
| For the Petitioner/s     | : | Mr.Bhavesh Kumar       |
| For the Opposite Party/s | : | Mr. Atul Chandra       |
| For the Informant        | : | Mr. Arvind Kumar Singh |

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**CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR**  
**ORAL ORDER**

3      08-02-2022                      Heard the learned counsel for the parties.

The petitioners seek bail in anticipation of their arrest in connection with Darbhanga Sadar P.S. Case No. 312/2020 instituted for the offences under Sections 302, 120B,504 and 34 of the Indian Penal Code and Section 27 of the Arms Act.

The petitioners are brothers and they have been made accused in this case because of the enmity of the prosecution side with their father, namely, Md. Tauquier, who is in custody.



The learned counsel for the petitioners has submitted that though they have been named in the F.I.R but there is no specific accusation against them. Their father is said to have fired at the deceased who is the father of the informant, as a result of which he died. There has been old pending dispute between the parties which can be evidenced from the fact that there are three other cases also which has been lodged by the same set of persons. Apart from this, it has been submitted that the accusations have been levelled only after the inquest and post-mortem report was made so as to make the allegations in consonance with the injuries received by other victims and the deceased.

Mr. Arvind Kumar Singh, the learned counsel for the informant, however, has submitted that under similar circumstances, this Court has rejected the anticipatory bail of one of the accused persons and that the process under Section 83 Cr.P.C. against the petitioners has been concluded.

Considering the afore-stated two points raised by the learned counsel for the informant, I refrain from



exercising my powers for granting anticipatory bail to the petitioners, though they are persons of young age and apart from the cases listed in paragraph no. 3, which is amongst the parties only, there is no other case against them.

The prayer for anticipatory bail of the petitioners is rejected.

However, if they surrender before the court below and seek bail, their application shall be considered on its own merits, taking into account the afore-noted facts and an order shall be passed without being prejudiced by the fact that the present petition on their behalf has not been entertained.

**(Ashutosh Kumar, J)**

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