

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7789 of 2022

Arising Out of PS. Case No.-128 Year-2021 Thana- MANIGACHI District- Darbhanga

AAFTAB S/o Safiur Rahman @ Chetharu @ Safikur Rahaman Resident of
Village- Bazidpur @ Wajitpur, P.S.- Manigachhi (Wajitpur O.P.), Distt-
Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kedar Jha, Advocate

For the Opposite Party/s : Mr. A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 30-08-2022 Heard learned counsel for the petitioner and learned A.P.P.
for the State.

Let the defect(s), if any, be removed within a period of
four weeks.

The petitioner apprehends his arrest in a case registered
for the offences punishable under Sections 147, 148, 149, 447, 341,
342, 323, 324, 307 and 302 of the Indian Penal Code.

Learned counsel for the petitioner submits that petitioner
has antecedent of two cases.

The informant alleges that on 02.06.2021 at about 08:00
in the night the accused persons along with the petitioner came
variously armed and caught Md Salauddin and brought him to their
house and when the informant went behind them along with her
nephew Azimuiddin then it is alleged that Md. Asraf and petitioner
assaulted Salauddin with iron rod on his head and neck



indiscriminately leading to his death. It is alleged that Safiqueer Rahman and Babar also assaulted the informant by rod causing injury on the head.

Learned counsel for the petitioner submits that petitioner has been falsely implicated in the present case and the occurrence took place on account of a trivial dispute with regard to plucking of mangoes. He further submits that though the allegation is of assaulting indiscriminately by iron rod but there is only one injury on the deceased.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner and submits that there is direct allegation against the petitioner of assaulting along with Md. Asraf leading to death of the deceased, as such, it is not a fit case where the anticipatory bail should be extended.

Considering the submission made by the learned A.P.P., the Court is not inclined to extend the privilege of anticipatory bail to the petitioner in connection with Manigachhi (Wajitpur O.P.) P.S. Case No. 128 of 2021 pending in the Court of learned Additional Chief Judicial Magistrate-V, Darbhanga/successor Court.

Hence, prayer for anticipatory bail is refused.

(Satyavrat Verma, J)

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