

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9237 of 2021

Arising Out of PS. Case No.-107 Year-2020 Thana- THAWE District- Gopalganj

YUSHUF ALI Son of Shekh Alisher @ Alisher Ali Resident of Village-
Bagha Saida (Jagmalwa), P.S.- Thawe, District- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Javed Aslam
For the Opposite Party/s :	Mr. Rajendra Nath Jha
	Mr. Rajeev Ranjan

CORAM: HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA
ORAL ORDER

5 03-02-2022 Heard learned counsels for the petitioner and the

State.

Petitioner apprehends arrest in connection with
Thawe P.S. Case No. 107 of 2020 registered for the offence
punishable under section 307 and other allied sections of
the Indian Penal Code to which section 302 I.P.C. was added
later on.

Learned counsel appearing for the petitioner
submits that petitioner has been falsely implicated in this
case due to previous enmity. There is no allegation of
repeated blow, and as such, no offence section 302 or 307
I.P.C. is made out. Allegation of committing theft is super
addition. Petitioner has no criminal antecedent.

Learned Addl. P.P. appearing for the State being assisted by the learned counsel for the informant opposes the prayer for bail and submits that petitioner is named accused in the first information report and there is specific allegation against him of assault by means of lathi on the head of the deceased which is supported by the injuries sustained. Petitioner, therefore, does not deserve to be granted the privilege of bail.

Considering the nature of allegations levelled, the materials available on record and the submissions advanced on behalf of the parties, this Court does not find it to be a fit case for grant of anticipatory bail to the petitioner. The same is, therefore, rejected.

(Arvind Srivastava, J)

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