

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4642 of 2023

Arising Out of PS. Case No.-580 Year-2022 Thana- KHAGARIA District- Khagaria

1. MD. EKHTIYAR ALAM @ VIKKY @ MD. IFTOKHAR Son of Late Rashid Resident of Village- Vishwanathganj, P.S.- Khagaria, District- Khagaria
2. RAHANA KHATOON Wife of Md. Ekhtiyar Alam @ Vicky Resident of Village- Vishwanathganj, P.S.- Khagaria, District- Khagaria
3. ANWARI KHATOON Wife of Late Rashid Resident of Village- Vishwanathganj, P.S.- Khagaria, District- Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Vivekanand Vivek Mr. Debesh Kumar Poddar Mr. Rang Nath Pandey
For the Opposite Party/s :		Mr. Manoj Kumar Mr. Arvind Kumar Singh

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 05-05-2023 Heard learned counsel for the petitioners, learned counsel for the informant as well as learned APP for the State.

The petitioners apprehend their arrest in connection with Khagaria P.S. Case No.580 of 2022, registered for the offence punishable under Sections 341, 323, 334, 338, 447, 379, 308, 302, 504, 506, 34 of the Indian Penal Code.

The allegation against the petitioners is that they alongwith other accused persons went to the house of the informant and assaulted the informant's side by means of several weapons. It is alleged that pushed the informant from



roof due to which she died during the course of treatment.

It is submitted by learned counsel for the petitioners that petitioners are quite innocent and have committed no offence. They have been falsely implicated in this case. No such occurrence, in the manner as alleged, has ever taken place. The allegation levelled against the petitioners is not specific rather general and omnibus in nature. There is no specific overt act against the petitioners, they have been made accused in the present case only on the basis of suspicion. There is no eye witness in the present case. There is an admitted land dispute between the parties. Petitioner no.1 has one criminal antecedent and petitioner nos.2 and 3 have no criminal antecedent.

Learned APP for the State as well as learned counsel for informant opposed the prayer for anticipatory bail by submitting that the petitioners are also involved in the present case and it is not a fit case for grant of anticipatory bail.

Having regard to the facts and circumstances of the case as well as considering the materials available in the case diary, I am not inclined to enlarge the petitioners on bail. The prayer for grant of anticipatory bail on their behalf is hereby rejected.

Accordingly, this application is dismissed.

However, if the petitioners surrender before the learned



Court below within a period of six weeks from today and seek
for regular bail, the learned Court below shall pass the order on
the same day in accordance with law.

(Anjani Kumar Sharan, J)

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