

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6047 of 2023

Arising Out of PS. Case No.-525 Year-2022 Thana- JOKIHAT District- Araria

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AHAD @ ABDUL AHAD Son of Late Baharuddin Resident of Village-
Bagmara, Ward No.-2, P.S.- Jokihar, District- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Viveka Nandsingh

For the Opposite Party/s : Mr.Rajiv Nayan

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 17-05-2023 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises
out of Jokihat Police Station Case No. 525 of 2022, dated
13.10.2022, disclosing offences under Sections 341/323/325/
307/302/34 of the Indian Penal Code.

The prosecution case, as per the First Information
Report, is that the petitioner, along with other co-accused
persons, seven in number, assaulted the informant, his mother
and his father by means of lathi, iron rod etc., due to which the
father of the informant died.

Learned Counsel for the petitioner submits that
there is general and omnibus allegation against the petitioner
that he, along with other co-accused persons, seven in number,



assaulted the father of the informant (deceased), mother of the informant and the informant. He next submits that there is specific allegation against co-accused Md. Tahzeeb that he assaulted the deceased by means of iron rod on his head and the cause of death, as opined by the doctor, is due to hemorrhage and shock as a result of the injury sustained by the deceased on his scalp.

On the other hand, learned Counsel for the informant vehemently opposes the payer for bail and submits that the accused persons, including the petitioner, armed with iron rod, lathi etc., with common intention assaulted the father of the informant (deceased) and the informant also. He next submits that specific allegation on co-accused Md. Tahzeeb is that he assaulted by means of iron rod on the neck of the deceased, whereas from the post mortem examination report, the death is caused due to the injury on the scalp of the deceased. He further submits that the petitioner and others have actively participated in the occurrence and the allegation against the petitioner is serious in nature.

Regards being had to the submissions made on behalf of the parties and taking into consideration the fact that all the accused persons assaulted the informant and the



informant’s father, due to which the father of the informant died,
I am not inclined to grant the petitioner privilege of anticipatory
bail.

This application is, accordingly, dismissed.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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