

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16364 of 2023

Arising Out of PS. Case No.-114 Year-2022 Thana- MAHARAJGANJ District- Siwan

1. Shekh Samse Raza @ Shamse Raza @ Shamre Son Of Sheikh Dilsher R/V- Khanpur, P.S- Maharajganj, Dist- Siwan
2. Altaf Raza Son Of Sheikh Dilsher R/V- Khanpur, P.S- Maharajganj, Dist- Siwan
3. Afrin Khatoon Wife Of Late Kausar Ali R/V- Khanpur, Ps- Maharajganj, Dist- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Ms. Kumari Anupam
For the Opposite Party/s :	Mr. Arun Kumar Pandey
	Mr. Awnish Kumar

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

5 21-08-2023 Heard learned counsel for the petitioners and learned A.P.P. for the State assisted by learned counsel for the informant.

2. The petitioners apprehend their arrest in Maharajganj P.S. Case No. 114 of 2022 registered for the offences punishable under Sections 302/34 of the Indian Penal Code pending in the Court of learned A.C.J.M., Vth Siwan.

3. The informant alleges that his younger brother, Kausar Ali, had married with petitioner no. 3 according to muslim rituals. It is further alleged that on 18.04.2022, Kausar Ali was called by his wife to her parent's house and all the



accused persons brutally assaulted Kausar Ali, as a result he died, and the dead body of Kausar Ali was thrown at the distance of 300 meters towards east from their house.

4. Learned counsel for the petitioners submits that the petitioner are innocent and have falsely been implicated in this case. The allegation levelled against the petitioners is not specific rather general and omnibus in nature. He submits that from perusal of the F.I.R. and the fact and circumstances of this case it is clear that no case u/s 302/34 is made out against these petitioners as there is no eye-witness of the alleged occurrence and no any evidence was collected to show the implication of these petitioners. The petitioners have no criminal antecedent as mentioned in para-3 of the bail application.

5. Learned APP for the State as well as learned counsel for the informant opposed prayer for anticipatory bail and submitted that process u/s 82 and 83 of Cr.P.C. was issued and process u/s 83 of Cr.P.C., was completed during the pendency of the anticipatory bail. They further submitted that the petitioners no. 1 and 2 have criminal antecedents, which has not been mentioned in this application. Thus, the petitioners have tried to suppress this fact and on this ground alone, they do not deserve privilege of anticipatory bail.



6. As petitioners have tried to suppress their criminal antecedents and the process u/s 82 and 83 of Cr.P.C., has been issued and completed against the petitioners, I am not inclined to enlarge the petitioners on anticipatory bail. The prayer for anticipatory bail of the petitioners is hereby rejected.

(Anjani Kumar Sharan, J)

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