

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.33612 of 2023**

Arising Out of PS. Case No.-608 Year-2016 Thana- SHASTRINAGAR District- Patna

MD. BICKY @ MOHAMMAD AZAD @ MD. AZAD @ BICKY son of Md. Sikandar, Residing at Samanpura, Raza Bazar P.O.- B.V. College, P.S.- Shastri Nagar Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Mohit Raj, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Sharma, APP

**CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY**  
**ORAL ORDER**

3      12-09-2023

1. Heard learned counsel for the parties.

2. The petitioner in this application prays for anticipatory bail apprehending his arrest in connection with Shastri Nagar P.S. Case no.608 of 2016 registered for the offence punishable under sections 302, 328 and 34 of the Indian Penal Code.

3. As per the prosecution case, the informant states that the family members of the elder brother of her husband, which includes the petitioner herein, had regularly been threatening that they would kill her husband who works as tempo driver. It is further stated that a phone call was received on the mobile phone of her sister to the effect that her husband was lying fallen on the Bailey Road. The informant states that



she is convinced that the named accused persons including the petitioner herein have a hand in the killing of her husband.

4. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the case. The unfounded and unsubstantiated suspicion has been raised against the petitioner in the F.I.R. No material has transpired in course of investigation to connect the petitioner with the alleged crime and it is for this reason, the police had not been searching for him. It is further submitted that a number of co-accused including Md. Guddu, Md. Afzal and Md. Hafiz have been enlarged on anticipatory bail vide order dated 16.11.2019 (Annexure-2). The petitioner has no criminal antecedent.

5. Heard learned A.P.P. for the State.

6. Having heard learned counsel for the parties and having perused the material on record, it transpires that the F.I.R. from which the instant application arises was registered on 27.12.2016. The petitioner along with others moved for anticipatory bail before the learned Court below in the year 2017 which was dismissed vide order dated 18.2.2017. Thereafter the petitioner absconded and has filed the instant application only on 17.5.2023.

7. In view of the allegations in the F.I.R. together with



the delay in the petitioner moving for anticipatory bail, the Court is not inclined to enlarge the petitioner on anticipatory bail and the application is rejected.

8. The petitioner is directed to surrender in the Court below within a period of four weeks. If the petitioner surrenders within the aforesaid time, the application for bail of the petitioner shall be considered without being prejudiced by this order of rejection and taking into consideration grant of bail to the other co-accused.

**(Partha Sarthy, J)**

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