

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50294 of 2021

Arising Out of PS. Case No.-205 Year-2020 Thana- BARHARA KOTHI District- Purnia

1. MD. NAUSHAD ALAM @ MUSA Son of Md. Abdul Rahman Resident of Village- Murballa, P.S.- Barhara, District- Purnea.
2. Md. Hadish @ Bhikhan Son of Md. Abdul Rahman Resident of Village- Murballa, P.S.- Barhara, District- Purnea.
3. Md. Salman Son of Md. Hadish Resident of Village- Murballa, P.S.- Barhara, District- Purnea.
4. Md. Arbaz @ Md. Arbas Son of Md. Hadish Resident of Village- Murballa, P.S.- Barhara, District- Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Uday Chand Prasad

For the Opposite Party/s : Mr.Anil Kumar Singh No. 1

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

5 27-07-2023 Prayer for anticipatory bail of petitioner No.2 has already been dismissed as withdrawn vide order dated 20/06/2022.

Heard learned counsel for the petitioners No. 1, 3 & 4 and the State.

2. The petitioners are apprehending their arrest in connection with Barhara P. S. Case No. 205 of 2020 registered for the offences punishable under Sections 341, 323, 324, 307, 325, 379, 504 and 506 read with Section 34 of the Indian Penal Code and later on Section 302 of the Indian Penal Code was



added.

3. As per the prosecution case, these petitioners along with other co-accused persons started abusing and assaulting the informant's father by sharp aged iron weapon and due to which his father became unconscious because of head, nose and eye injury. In course of treatment father of the informant died. It is further alleged that when the informant came to rescue, all the accused persons began to abuse and assault him and they also snatched Rs. 40,000/- from the informant's pocket. Thereafter, the accused persons including the petitioners gave him threat of dire consequences.

4. Learned counsel for the petitioners has submitted that the petitioners have falsely been implicated in this case. There is case and counter case between the parties. There is general and omnibus allegations against the petitioners. There is land dispute between the parties. Learned counsel further submits that no case is made out against the petitioners. The petitioners have no criminal antecedent as stated in para 3 of the bail petition.

5. Learned A.P.P. for the State has vehemently opposed the prayer of anticipatory bail petition of the petitioners and submitted that petitioners are named in the FIR and there is



direct and specific allegation against them that they along with other accused persons assaulted the father of informant as a result of which he died during the course of treatment.

6. Considering the nature of accusation and gravity of the offence, I am not inclined to enlarge the petitioners on pre arrest bail. Accordingly, the same is rejected.

(Prabhat Kumar Singh, J)

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