

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40967 of 2023

Arising Out of PS. Case No.-654 Year-2022 Thana- LAHERIYASARAI District- Darbhanga

1. Md. Israr Son of Late Md. Ibrar.
2. Md. Sarfaraz Son Of Late Md. Ibrar
Both resident of Village- Sirnia, Ps- Ashok Paper Mill, District- Darbhanga
... .. Petitioner/s

Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vinay Kumar Mishra, Advocate
For the Opposite Party/s : Mr. Kanhaiya Kishore, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 17-10-2023 Heard Mr. Vinay Kumar Mishra, learned counsel for

the petitioners as well as Mr. Kanhaiya Kishore, learned APP for

the State.

2. The petitioners are apprehending their arrest in
connection with Laheriasari P.S. Case No.654 of 2022, F.I.R.
dated 28.11.2022 registered for the offence punishable under
Sections 364 and 34 of the Indian Penal Code.

3. The prosecution case, in short, is that the informant
married with Md. Imteyaz and from very first day husband of
informant was demanding rupees from her mother, not fulfill his
demand assaulted to the informant. Further, on 17.07.2022
informant along with children were ousted by her husband,
thereafter informant was living with her mother and children on
rented house. On 06.08.2022, one Ashir Sheikh came from



Maharastra who is so called friend of her husband for mediation. On 10.08.2022, informant along with her mother went to Maharashtra, but her husband came Bihar thereafter, she returned back. On 12.08.2022, husband of informant and other 4-5 persons reached her rented house and assaulted to the informant and forcibly Ashir Shekh has taken on the Scorpio and, thereafter, Ashrafi Khatoon and Md. Tazanddin came and taken to the informant of Sarfarez house. Further, her husband came and on 17.08.2022 taken to *Maika* and threatened to informant that this event not disclosed any one and thereafter pressed her neck by her cloth and thrown on the roof by which received injury and taken to D.M.C.H where confessed before police of Ashok Paper Mill. Accordingly, the FIR.

4. Learned counsel for the petitioners submit that petitioners have falsely been implicated in the present case on the ground that the petitioners and informant are belong to the same family and they are co-sharer.

5. The learned Additional Public Prosecutor on the basis of the material available in the case diary has vehemently opposed the prayer for bail of the petitioners on the ground that the petitioners are taken active part in the occurrence and petitioners and other accused persons have committed the



murder. Further petitioners carries one criminal antecedent other than the present one, but fairly submits on the basis of paragraph-4 of the supplementary affidavit, petitioner is on bail.

6. Considering the aforesaid facts, material available on records and in the case diary, I am not inclined to grant the privilege of anticipatory bail to the petitioners in connection with Laheriasari P.S. Case No.654 of 2022 pending in the court of learned Chief Judicial Magistrate, Darbhanga.

7. Prayer is refused.

(Rajesh Kumar Verma, J)

Prakash Narayan

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