

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52950 of 2023

Arising Out of PS. Case No.-6 Year-2023 Thana- ARA MUFFSIL District- Bhojpur

MD. SALIM ANSARI @ SATIM ANSARI son of Late Islam Ansari Village-
Ghodadai Ps- Ara Muffasil Dist- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms.Surekha Kumari, Advocate

For the Opposite Party/s : Mr.Damodar Prasad Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 3 06-12-2023 1. Heard learned Counsel for the petitioner and
learned APP for the State.
2. This application, for grant of anticipatory bail,
arises out of Ara Muffasil PS case no. 06 of 2023, disclosing
offences punishable under Section 302 and other allied sections
of the Indian Penal Code.
3. The prosecution story, in brief, is that there was
scuffle between two neighbours on the point of discharge of
water from the house of the informant to the house of the
accused persons. The allegation against the petitioner is that he
ordered to kill the informant's father, on which co-accused
Jamshed Alam gave iron rod blow on the head of informant's
father, resulting in his death.
4. Learned Counsel for the petitioner submits that



both the parties are close door neighbour and the dispute had taken place on trivial issue of discharge of dirty water in front of the house of accused persons. It is next submitted that entire family members of the petitioner's side have been made accused including the petitioner, who happens to be the head of the family and is a retired government servant, aged about 70 years.

5. On the other hand, learned counsel for the State and informant have vehemently opposed the prayer for bail. Learned counsel for the informant submits that other accused persons have been granted regular bail and in the F.I.R., apart from allegation of assault upon the co-accused Jamshed Alam, the allegations against the other accused persons is also of assaulting informant's father and the petitioner is stated to be the order giver.

6. Regard being had to the submissions made on behalf of the parties and taking into consideration the gravity of offence and the fact that other accused persons have been granted regular bail by a co-ordinate Bench of this Court vide order dated 25.05.2023, passed in Cr. Misc. no. 28409 of 2023 as also the fact that the petitioner is an order giver, I am not inclined to grant the privilege of anticipatory bail to the petitioner, however if petitioner surrenders



before the learned court below and seeks regular bail, the same shall be considered on its own merit without being prejudiced by the fact that petitioner’s anticipatory bail has been rejected by this Court.

6. This application is, accordingly, rejected.

(Anil Kumar Sinha, J)

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