

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61629 of 2023

Arising Out of PS. Case No.-173 Year-2022 Thana- BHAPTIAHI District- Supaul

MD. AJMUL @ AJMUL S/O OLI MOHAMMAD @ OLI MOHAMD R/O
VILLAGE- CHHITAH, WARD NO. 10, PS. BHAPTIYAH, DIST. SUPAUL

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nafisuzzoha, Advocate

For the Opposite Party/s : Mr.Narendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 11-10-2023 Heard the learned counsel for the
petitioner and the learned A.P.P. for the State.

2. The petitioner apprehends his arrest in connection with Bhaptiyahi P.S. Case No. 173 of 2022, registered for the offences punishable under Sections 147, 148, 149, 341, 307 and 302 of the Indian Penal Code.

3. The case of the prosecution, in brief, according to the informant, is that the co-accused person, namely, Wali Mohammad was constructing house forcibly upon the land of the father of the informant on the alleged date and time of occurrence and when the informant along with his son had gone there and objected to the



construction of the house, the petitioner as also the co-accused person, namely, Karmul had assaulted on the head of the son of the informant by means of sword and farsa respectively, resulting in him being grievously injured and his subsequent death in the hospital. It is also alleged that several accused persons named in the F.I.R. were also involved in the alleged occurrence.

4. The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case and he is having a clean antecedent. The learned counsel for the petitioner has further submitted that the accused persons including the petitioner herein have been alleged to have assaulted on the head of the son of the informant, hence the petitioner be given the benefit of doubt for the purposes of grant of anticipatory bail.

5. *Per contra*, the learned A.P.P. for the State has vehemently opposed the prayer for grant of anticipatory bail.

6. Having regard to the facts and



circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record as also considering the fact that the petitioner as also the co-accused person, namely, Karmul are alleged to be the main assailants, who had assaulted on the head of the son of the informant, by means of sword and farsa respectively, resulting in his death, I do not find the present case to be at least a case for grant of anticipatory bail, hence the present petition stands dismissed.

(Mohit Kumar Shah, J)

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