

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68772 of 2022

Arising Out of PS. Case No.-148 Year-2022 Thana- SIMRI District- Darbhanga

ZEYAUUL HAQUE @ MD. AFSAR Son of Ehsanul Haque @ Md. Eshanul Haque Resident of Mohalla- Sher Mohammad Bhigo, P.S.- Laheriasarai, District- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 68956 of 2022

Arising Out of PS. Case No.-148 Year-2022 Thana- SIMRI District- Darbhanga

MD ARZOO KHAN @ ARZOO KHAN Son of Md. Sayeed Khan @ Md. Saeed Resident of Mohalla/ Village- Sena Pat, Quila Ghat, P.S.- Town, District- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 68772 of 2022)

For the Petitioner/s : Mr. Ansul, Advocate
Mr. Fakhruddin Ali Ahmad, Advocate
Mr. Kedar Jha, Advocate

For the Opposite Party/s : Mr. Dilip Kumar No.1, APP

(In CRIMINAL MISCELLANEOUS No. 68956 of 2022)

For the Petitioner/s : Mr. Kedar Jha, Advocate

For the Opposite Party/s : Mr. Anand Kishore Choudhary, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 20-02-2023 As both these bail applications have cropped up from the same police station case number, hence, with consent of parties, they are being heard together and disposed of by this common order.

Heard learned counsel for the petitioners and learned



A.P.P. for the State.

The petitioners apprehend their arrest in Simri P.S. Case No. 148 of 2022 registered for the offences punishable under Section 302/34 of the Indian Penal Code and Section 27 of the Arms Act pending in the Court of learned ACJM-IV, Darbhanga.

The husband of the informant is said to have been killed by the petitioners in association of other co-accused by calling him on telephone. The reason behind the occurrence is said to be previous land dispute.

It is submitted by learned counsel for the petitioners that no such occurrence as alleged ever took place. They have been falsely implicated in this case. The allegation levelled against the petitioners is not specific rather general and omnibus in nature. He further submits the petitioners are made accused in the present case on the basis of CCTV footage and petitioners are also named in the FIR. Petitioner of Cr. Misc. No. 68772 of 2022 has got no criminal antecedent, whereas petitioner of Cr. Misc. No. 68956 of 2022 has got one criminal antecedent.

Learned APP for the State vehemently opposing the bail petition submitted that petitioners are named in the FIR



and there is direct allegation of committing murder of husband of the informant. It is further submitted that in the impugned order it is mentioned that according to para 26 of the case diary the petitioners have been identified through CCTV footage. The witnesses have also supported the prosecution case in the case diary. Hence, they do not deserve privilege of bail.

Considering the facts and circumstances of case and the fact that there is incriminating material against the petitioners, I am not inclined to enlarge the petitioners on anticipatory bail. The prayer for anticipatory bail of the petitioner is hereby rejected. However, if the petitioners surrender before the learned Court below within six weeks from today and seek regular bail, the learned Court below would pass order on the same day in accordance with law without being prejudiced by this order.

(Anjani Kumar Sharan, J)

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