

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49864 of 2024

Arising Out of PS. Case No.-176 Year-2022 Thana- GWALPARA District- Madhepura

Md. Tantan @ Garifuddin @ Garibuddin Son Of Chand Khan @ Md. Habib
Village- Jhanjhari, Laldih Tola, Ward No. 12, P.S.- Gwalpara, Distt.-
Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sharda Nand Mishra, Adv.
For the Opposite Party/s : Mr. Sharda Kumari, Adv.

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 20-09-2024 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in a case in connection with Gwalpara P.S. Case No. 176 of 2022 dated 16.08.2022 registered for the offences punishable u/ss 147, 148, 149, 341, 323, 324, 325, 307, 504 and 506 of the Indian Penal Code, subsequently added with Section 302 of the Indian Penal Code.

3. As per the prosecution case, the petitioner and the co-accused persons holding *lathi*, *danda* and sword in connivance with one another attacked the son of the informant and on exhortation of the co-accused Md. Ajmat, the co-accused Md. Gaffar and Md. Tantan (petitioner) also attacked the son of the informant with *lathi*, *danda* and sword causing severe injury



to him and he being unconscious fell down and during the course of the treatment he succumbed to the injury.

4. Learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in this case. There is general and omnibus allegation against the petitioner. It is further submitted that the petitioner has no concern with the alleged offence. The other co-accused person has already been granted bail by this court vide order dated 27.04.2023 passed in Cr. Misc. No. 2918 of 2023. The petitioner has no criminal antecedent as stated in para 3 of the bail petition.

5. Learned A.P.P. for the State has vehemently opposed the anticipatory bail petition of the petitioner by submitting that the petitioner Md. Tantan and the co-accused, Md. Gaffar assaulted the son of the informant with *lathi, danda* and sword, who succumbed to the injuries in course of treatment. As per the post-mortem report, the cause of death is hemorrhage and shock due to anti-mortem injuries caused by hard blunt heavy substance.

6. Considering the aforesaid facts and circumstances of the case as well as the materials available on record against the petitioner and the heinous nature of allegation against the petitioner, I am of the view that no case for grant of anticipatory bail is made out. The petitioner is rejected and the petitioner is directed to surrender to the court below within six weeks from



the date of this order and the court below may consider the prayer of the bail of the petitioner in accordance with law and on its own merits without being prejudiced by this order.

7. The application stands rejected.

(Chandra Prakash Singh, J)

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