

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53336 of 2024

Arising Out of PS. Case No.-66 Year-2024 Thana- JOKIHAT District- Araria

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1. Hasim, Son of Ramjan Ali
 2. Shahzad Alam, Son of Mohammad Shahid
- Both are R/O Vill.- Satbita, Ward No. 07, P.S.- Jokihat, Dist.- Araria.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Kundan Kumar Singh, Advocate
For the Opposite Party/s : Mr. Jitendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 28-08-2024 Heard learned counsel for the petitioners and

learned Additional Public Prosecutor for the State.

2. The accused/petitioners are named in the FIR

and apprehending their arrest in connection with Jokihat P.S.

Case No.66 of 2024 registered under Sections 302 read with

34 of the Indian Penal Code.

3. Allegation against the petitioners is to assault

the son of informant due to previous money transaction

along with other co-accused persons, where during the

course of occurrence, one of the co-accused, namely, Sajid

inflicted fatal knife injury to the son of informant leading to

his death.



4. It is submitted by learned counsel that specific allegation is available against co-accused Sajid to inflict fatal knife injury. It is further pointed out that allegation against this petitioners is very much general and omnibus. Learned counsel further submitted that it was the co-accused Sajid, who called the deceased son of the informant from his house to receive payment of Rs.5,000/-. It is also pointed out that implication of this petitioner is due to village politics. While concluding argument, it is submitted that petitioners are men of clean antecedents.

5. Learned APP while opposing the prayer of bail submitted that informant along with his daughter Nauras is the eye-witness of this occurrence as per FIR itself, who further during the occurrence itself apprehended co-accused Sajid, who inflicted knife injury. It is submitted that the informant found petitioners to assault his son during the course of occurrence along with other co-accused persons and, therefore, his implication with this occurrence with aid of Section 34 of the Indian Penal Code appearing *prima facie* convincing in view of statement of the eye-witness of



the occurrence.

6. Considering the aforesaid factual submissions, as informant, who is the eye-witness of the occurrence, found this petitioner to assault his deceased son during the occurrence itself, where co-accused inflicted fatal knife injury accordingly, the prayer for anticipatory bail of both above-named petitioners are rejected herewith.

(Chandra Shekhar Jha, J.)

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