

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62304 of 2024

Arising Out of PS. Case No.-45 Year-2024 Thana- HAYAGHAT District- Darbhanga

MD GUL HASSAN SON OF LATE MD MUSLIM VILLAGE- DHOBOPUR
BANSARA, P.S.- HAYAGHAT, DISTRICT- DARBHANGA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mritunjay Kumar, Advocate

For the Opposite Party/s : Mr. Rajiv Nayan, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 01-10-2024 Heard learned counsel for the petitioner and learned

A.P.P. for the State

2. The petitioner apprehends his arrest in Hayaghat P.S. Case No. 45 of 2024 registered for the offences punishable under Sections 341, 323, 354, 379, 302, 504 & 506/34 of the Indian Penal Code pending in the Court of learned ACJM-VIII, Darbhanga.

3. The petitioner along with other co-accused is said to have caught hold husband of the informant and assaulted him with iron rod upon his head due to which he felt down and become unconscious. While the injured was going to Patna for better treatment in the midway he succumbed to injury.

4. It is submitted by learned counsel for the petitioner that



no such occurrence as alleged ever took place. He has been falsely implicated in this case. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. It is further submitted that the husband of the informant and petitioner are full brothers and there was a dispute between them regarding share in ancestral property in native village. The deceased died due to heart attack. It is also submitted that there is inordinate delay of 15 days in lodging the F.I.R. without assigning any plausible reason for the said delay. The petitioner has no criminal antecedent as mentioned in para-3 of this application.

5. Learned APP for the State vehemently opposing the bail petition submitted that there is direct allegation against the petitioner of assaulting the husband of the informant due to which he died. Hence, the petitioner does not deserve anticipatory bail.

6. Considering the facts and circumstances of case, I am not inclined to enlarge the petitioner on anticipatory bail. The prayer for anticipatory bail of the petitioner is hereby rejected. However, if the petitioner surrenders 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, considering the fact that both the parties are agnates and there is delay of 15 days in lodging the F.I.R.

(Anjani Kumar Sharan, J)

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