

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61147 of 2024

Arising Out of PS. Case No.-365 Year-2022 Thana- NAUGACHIA District- Bhagalpur

1. Md. Salauddin @ Salauddin Son of Late Md. Makbul @ Makbul Resident of Village - Ujani, P.S.- Naugachia, District - Bhagalpur.
2. Md. Sohel Son of Md. Badruddin @ Buddhu Resident of Village - Ujani, P.S.- Naugachia, District - Bhagalpur.
3. Md. Gufran Son of Md. Salauddin @ Salauddin Resident of Village - Ujani, P.S.- Naugachia, District - Bhagalpur.
4. Bikesh Kumar Singh @ Bikky Kumar Son of Bashishth Prasad Singh Resident of Village - Punama Pratap Nagar, P.S.- Naugachia, District - Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar, Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Rajesh Kumar
For the Informant	:	Mr. Davendra Kr Pandey
For the Opposite Party/s	:	Mr.Uma Shankar Prasad Singh

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

4 06-12-2024 Heard learned counsel for the petitioners and learned counsel for the Informant as well as learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in a case in connection with S.T. No. 639 of 2023 arising out of Naugachia P.S. Case No. 365 of 2022 dated 25.11.2022 registered for the offences punishable u/ss 147, 148, 149, 341, 323, 307 and 302 of the Indian Penal Code.

3. As per the prosecution case, the informant's father



and uncle went to the house of Md. Zawed for discussion about the last evening incident. Thereafter, Md. Zawed become aggressive and started abusing them. On hearing noise, the petitioner no. 1, Md. Salauddin gave order to kill the uncle and the father of the informant then the other petitioners and the co-accused persons holding with lathi, danda and iron rod assaulted the father of the informant causing injury on his chest and back. The father of the informant died due to assault.

4. Learned counsel for the petitioners has submitted that the petitioners are innocent and have falsely been implicated in this case. There is general and omnibus allegation against the petitioner nos. 2-4. The petitioner no. 1 being the ward member, has gone to pacify the dispute but he was also implicated due to previous enmity. The petitioner no. 1 has three criminal cases, the petitioner nos. 2 and 3 have one criminal antecedent and the petitioner no. 4 has no criminal antecedent as stated at para 3 of the bail petition.

5. Learned counsel for the informant as well as learned A.P.P. for the State has vehemently opposed the bail petition of the petitioners. It is further stated that there is direct allegation against the petitioners of assaulting the informant's father with Lathi, iron rod and Khanti due to that the informant's



father died on the spot. As per the postmortem report, the deceased sustained abrasion and swelling on eyes, fracture of both side ribs and the cause of death is hemorrhage and shock due to hard heading blunt substance. It is further submitted that the contention taken by the learned counsel for the petitioner is not attainable in the eye of law.

6. Considering the aforesaid facts and circumstances of the case as well as the specific and the heinous nature of allegation against the petitioners, I am of the view that no case for grant of anticipatory bail is made out and the same is rejected with direction to the petitioners to surrender before the Court below concerned within six weeks from the date of this order and the prayer for regular bail, the learned Court below may consider their prayer for regular bail in accordance with law and on its own merit without being prejudiced by this order.

7. The application stands rejected.

(Chandra Prakash Singh, J)

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