

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65560 of 2023

Arising Out of PS. Case No.-16 Year-2022 Thana- PUPRI District- Sitamarhi

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MD. VARIS SON OF MD. SAJID @ MOHAMMAD SAJID RESIDENT OF
VILLAGE - AWAPUR, P.S. - PUPRI, DISTRICT - SITAMARHI

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Ashhar Mustafa
For the Opposite Party/s:		Mr. Anil Kumar Singh No. 1
For the Informant	:	Mr. Kumar Nikhil

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 23-01-2024 Heard learned counsel for the petitioner, learned coun-
sel for the informant and learned APP for the State.

2. The petitioner apprehends his arrest in connection with
Papri P.S. Case No. 16 of 2022, registered for the offence pun-
ishable under Sections 147, 148, 149, 341, 323, 307, 302, 34,
324 of the Indian Penal Code and 27 of Arms Act.

3. The allegation against the petitioner is that he along
with other co-accused persons went to the door of the infor-
mant and assaulted him. The brother of the informant was
caught by the accused persons and Md. Afroz inflicted knife
blow in his stomach and the petitioner also assaulted him. It is
further alleged that the accused persons tried to burn the body
for wiping out the evidence, but on account of intervention of



the villagers, they were saved.

4. It is submitted by learned counsel for the petitioner that petitioner is quite innocent and has committed no offence. He has been falsely implicated in this case. There is no specific overt act against the petitioner. He submits that the petitioner and other co-accused persons filed an application before the C.I.D. and on the direction of the C.I.D., an enquiry was conducted by the police and on the basis of CCTV footage, it has come out that the petitioner was not present on the place of occurrence (Annexure-3). He submits that several similarly situated co-accused persons have been granted bail by different Benches of this Court. He further submits that as per the case diary, process u/s 82 and 83 of Cr.PC has been completed against the petitioner and other accused persons which was challenged by the co-accused persons and the stay has been granted by co-ordinate Bench on 12.10.2023. Petitioner has no criminal antecedent.

5. Learned APP for the State as well as learned counsel for the informant opposed the prayer for anticipatory bail by submitting that the injury report has supported the prosecution case and petitioner is the author of the grievous injury. It is further submitted by the learned counsel for the informant that ap-



plication of anticipatory bail of the petitioner is not pending before the learned Court below or this Court when the process of 82 and 83 Cr.P.C. has been issued. It is further submitted that the co-accused has filed for quashing the proceeding u/s 82 and 83 Cr.P.C. issued by the court below when the process of section 83 Cr.P.C. has been completed by the prosecution, and stay was granted on 12.10.2023 issued by the co-ordinate Bench of this Court. The stay has been granted by the co-ordinate Bench when the proceeding u/s 82 and 83 Cr.P.C. has been completed.

6. Having regard to the facts and circumstances of the case as well as considering the arguments advanced on behalf of the respective parties and also considering the nature of injury coupled with the fact that when the bail application of the petitioner was rejected by the Court below, no proceeding was stayed by the competent court and process u/s 82 and 83 Cr.P.C. has been completed, I am not inclined to enlarge the petitioner on bail. The prayer for grant of anticipatory bail on his behalf is hereby rejected.

7. This application is, accordingly, dismissed.

8. However, if the petitioner surrenders before the learned Court below within a period of six weeks from today and seek for regular bail, the learned Court below shall pass the



order on the same day in accordance with law considering that
several similarly situated co-accused persons have been granted
bail by Hon’ble High Court.

(Anjani Kumar Sharan, J)

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