

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1142 of 2024

Arising Out of PS. Case No.-133 Year-2023 Thana- GHOGHARDIHA District- Madhubani

1. Md. Mustafa Alam @Md. Mustafa And Anr s/o Md. Nizam Resident of Village-Basuari, P.S. - Ghoghardiha, Dist.- MADHUBANI
2. Md. Israfil @ Md. Israfir S/o Late Md. Usman Resident of Village- Basuari, P.S.- Ghogharidiha, Dist.- Madhubani

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 2770 of 2024

Arising Out of PS. Case No.-133 Year-2023 Thana- GHOGHARDIHA District- Madhubani

Md Razzak @ Md Rajak Son of Md. Yusuf Resident of Village- Basuari, P.S.- Ghoghardiha, District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 1142 of 2024)

For the Petitioner/s : Mr. Ravi Prakash, Advocate

For the Opposite Party/s : Mr. Damodar Prasad Tiwary, APP

(In CRIMINAL MISCELLANEOUS No. 2770 of 2024)

For the Petitioner/s : Mr. Ravi Prakash, Advocate

For the Opposite Party/s : Mr. Chandra Bhushan Prasad, APP

**CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA**

ORAL ORDER

5 29-11-2024 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners are apprehending their arrest in a case
registered for the offence punishable under Sections 341, 323,
324, 307, 448 and 302/34 of the Indian Penal Code.



As per allegation in the FIR, the petitioners and other co-accused persons are said to have assaulted the father of the informant indiscriminately by means of lathi, as a result of which, he sustained injury on his head and fell on the ground and during course of treatment he died.

Learned counsel for the petitioners submits that petitioners have falsely been implicated in this case. He next submits that no occurrence in the manner as alleged has ever taken place and entire prosecution version is fully concocted and fabricated.

Learned APP for the State opposes the prayer for anticipatory bail of the petitioners.

On perusal of the first information report, case diary, postmortem report of the deceased as well as impugned order dated 07.12.2023, it appears that the petitioners are named in the FIR and the specific allegation against the petitioners for committing the murder of the deceased and the witnesses have also supported the case of the prosecution. It also appears from perusal of the postmortem report that several lacerated wound of multiple blow is found on the body of deceased Md. Akbar, so considering all aspects of the matter, I am not inclined to grant anticipatory bail to the petitioners.



Accordingly, the prayer for anticipatory bail of the
petitioners is hereby rejected.

(Ramesh Chand Malviya, J)

Brajesh Kumar/-

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