

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39295 of 2025

Arising Out of PS. Case No.-343 Year-2023 Thana- FORBESGANJ District- Araria

1. MD. AKBAR S/O MD. SAJJAD R/o vill - Haldiya Bokra, ward no. 7, P.S.- Simraha, Distt.- Araria
2. Md. Anzar @ Anzar Alam S/o Md. Sajjad R/o vill - Haldiya Bokra, ward no. 7, P.S.- Simraha, Distt.- Araria

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md Naushaduzzoha

For the Opposite Party/s : Mr.Sanjay Kumar Tiwary

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 22-08-2025 Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in a case in connection with Forbesganj (Simraha) P.S. Case No. 343 of 2023 dated 18.04.2023 registered for the offences punishable under Sections 147, 148, 149, 341, 323, 324, 302, 120B, 504 and 506 of the Indian Penal Code.

3. As per the prosecution case, the petitioners and co-accused persons are alleged to have assaulted the informant's husband with a knife, sword and *garasa* and broke his hands and legs. The injured person was taken to hospital where he died during the course of treatment.



4. Learned counsel for the petitioners has submitted that the petitioners are innocent and have falsely been implicated in this case on account of village politics. The petitioners have been made accused in this case merely on suspicion. The petitioners have no concern with the alleged offence. Similarly situated co-accused has already been granted anticipatory bail by this Court vide order dated 28.06.2024 passed in Cr. Misc. No. 1072/2024. The petitioners have clean antecedent as stated in para 3 of the bail petition.

5. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioners by submitting that the petitioners were also involved in committing murder of the informant's husband. It is further stated that the informant has seen the petitioners and the other accused persons going behind the deceased. It is further stated that that deceased was last seen alive with the petitioner and the co-accused persons but the co-accused Md. Imtiyaj who has been granted bail by this court vide order dated 28.06.2024 passed in Cr. Misc. No. 1072 of 2024, was not last seen alive with the deceased. It is a case of last seen theory.

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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