

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76198 of 2024

Arising Out of PS. Case No.-11 Year-2024 Thana- SHAMPUR District- Munger

1. Dukhan @ Md. Dukhan, Son of Md. Taslim, R/O Village- Gaura, P.S.- Shampur, Dist.- Munger.
2. Md. Baseer @ Bablu @ Md Baseen @ Md Baseer Ali, Son of Late Md. Sahim, R/O Village- Gaura, P.S.- Shampur, Dist.- Munger.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Hafiz Shahbaz Arif, Advocate

For the Opposite Party/s : Mr. Ajit Kumar, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 14-02-2025 Heard the parties.

2. The petitioners are apprehending their arrest in connection with Shampur P.S. Case No. 11 of 2024 registered for the offences punishable under Sections 147, 148, 149, 324, 326(A), 307, 302, 504, 120(B) of the Indian Penal Code.

3. Based upon the fardbeyan, the prosecution alleged that on 13.03.2024 when the son of the informant went to his Sasural situated in his own village, in the meantime, all the F.I.R. named accused persons, including the petitioners, surrounded him and after some altercation, which took place between the parties, it is specially alleged that all the accused persons brutally assaulted the son of the informant with pistol,



Axe, Lathi and Acid, which led to his death, during course of treatment in National Hospital, Munger.

4. Learned Advocate for the petitioners referring to the F.I.R. contended that there is omnibus nature of allegation against altogether nine persons. However, it has not been alleged that which injury has been attributed by the petitioners. The presence of the informant is also doubted during the course of investigation and one of the co-accused, namely, Md. Atiullah @ Md. Atullah, has been accorded the privilege of anticipatory bail by this Court in Cr. Misc. No. 74853 of 2024 vide order dated 24.01.2025. However, other co-accused persons have also been allowed the privilege of regular bail. Learned Advocate for the petitioners lastly contended that the post-mortem report also does not suggest that the deceased has received any incised injury over the body.

5. On the other hand, learned APP for the State vehemently opposes the bail application and submits that there is specific allegation against the petitioners that they along with other accused persons have assaulted the son of the informant, due to which he sustained grievous injuries and died.

6. Heard learned Advocate for the respective parties. So far the contention of the petitioners regarding grant of



anticipatory bail to Md. Atiullah @ Md. Atullah is concerned, the same has been granted taking note of the fact that no Acid injury has been found over the body of the deceased. So far the petitioners are concerned, the F.I.R. reveals that both the petitioners were armed with dagger and Axe and the post-mortem report suggests multiple injuries, the participation of the petitioners cannot be denied, coupled with the fact that some of the co-accused persons, having identical allegation, have been granted regular bail by this Court, this Court is not acceded to the prayer of the petitioners for grant of anticipatory bail. Accordingly, the same stands rejected.

7. However, if the petitioners surrender before the court below within a period of one month and pray for regular bail, the court below shall consider the same without being prejudiced by the order of this Court.

(Harish Kumar, J)

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