

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.87217 of 2024

Arising Out of PS. Case No.-70 Year-2023 Thana- GARHI District- Jamui

Ulfat Miya S/O Late Suleman Miya R/o - Murdbaro Bojhait, P.S - Garhi,
District - Jamui

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Kumar, Advocate

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

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 24-01-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in connection
with Garhi P.S. Case No. 70 of 2023 registered for the offences
punishable under Sections 147, 148, 149 & 302 of the Indian
Penal Code.

3. As per prosecution case, the informant alleged that
the petitioner and co-accused persons caught hold her husband,
whereafter, co-accused, namely, *Irfan*, having sword assaulted
over his neck due to which his husband succumbed to injuries.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence as alleged
against him and has falsely been implicated in the present case.



There is no specific allegation against the petitioner, rather allegation is general and omnibus in nature. It is submitted that specific allegation of assault by means of sword is levelled against co-accused, namely, Irfan. During investigation, no incriminating article has been recovered from the conscious possession of the petitioner. Charge sheet has been submitted in this case. Petitioner bears one criminal antecedent. Other co-accused has been granted regular bail by this Court *vide* order dated 04-04-2024, passed in Cr. Misc. No. 25176 of 2024.

5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner. It is submitted that petitioner was member of the unlawful assembly which caused the brutal murder of the husband of the informant by cutting the neck by sword. Hence, the petitioner does not deserve the privilege of anticipatory bail.

6. Considering the rival submissions made by the learned counsel for the parties, nature and gravity of the offence, this Court is not inclined to grant anticipatory bail to the petitioner. Prayer for grant of anticipatory bail is, accordingly, ***rejected.***

7. However, if the petitioner surrenders before the court below within a period of four weeks from today and prays



for regular bail, the same would be considered by the court below in accordance with law without being prejudiced by the order of this Court.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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