

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49648 of 2014

Arising Out of PS.Case No. -25 Year- 2013 Thana -BHEJA District- MADHUBANI

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Moti Ashraf @ Md. Moti Asharaf Son of Md. Hafiz Resident of Village -
Mahpatia, P.S. - Bheja, District - Madhubani

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar Jha

For the Opposite Party/s : Mr. Narendra Kumar Singh (App)

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 23-04-2015 The petitioner is apprehending his arrest in connection with Bheja P.S.Case No. 25 of 2013 instituted for the offences under Sections 147,148,149,323,324,341,307,380,504,506 and 364 of the Indian Penal Code and Section 27 of Arms Act.

Heard learned counsel for the petitioner and the State.

As per prosecution case it has been alleged that in course of occurrence the petitioner is said to have fired from his pistol on Md. Manzoor, which hit near the waist of Md. Manzoor.

On behalf of the petitioner, it has been submitted that Md. Manzoor, who is said to have sustained injury, is a veteran criminal and is implicated in some of criminal cases. It has further been submitted that no fire arm has been recovered from the possession of the petitioner. It has further been submitted that

the petitioner is living outside for his livelihood and has no concern with the alleged offence.

It has been submitted on behalf of the State that there is specific allegation of firing and causing injury to Md. Manzoor.

Considering the aforesaid facts and circumstances of the case, I am not inclined to grant privilege of anticipatory bail to the petitioner. The prayer for anticipatory bail is rejected.

However, if the petitioner surrenders before the court below within a period six weeks and pray for regular bail, the same shall be considered on its own merit without being prejudiced by this order of rejection.

(Sudhir Singh, J)

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