

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48677 of 2015

Arising Out of PS.Case No. -150 Year- 2015 Thana -LAURIYA District-
WESTCHAMPARAN(BETTIAH)

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Dilshad Ali, Son of Hafiz Reyaz, resident of Village- Telpur, Thana- (P.S.)-
Lauriya, District- West Champaran, Bettiah.

.... Petitioner

Versus

1. The State of Bihar.
2. Shahnawaz Akhtar, Son of Abul Kalam, resident of Village- Telpur,
P.S.- Lauriya, District- West Champaran.

.... Opposite Parties

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Appearance :

For the Petitioner : Mr. Fakhruddin Ali Ahmad, Advocate.
For the Opposite Party : Mr. Sanjay Kr. Tiwary No.1 (APP)

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 04-02-2016 Heard learned counsel for the petitioner and the learned
counsel for the State.

The petitioner is apprehending his arrest in connection
with Lauriya P.S. Case No. 150 of 2015 for the offences instituted
under Sections 448, 341, 342, 323, 324, 307, 379, 504 and 506/34
of the Indian Penal Code and under section 27 of the Arms Act.

The prosecution story, in brief, is that the petitioner along
with others having armed with firearms came at the door of
informant and on the order of one Wakil Ahmad firing was made
by Afsar Alam by katta, due to which, informant sustained gun
shot injury in his left leg. Thereafter accused Irshad Ali and the
petitioner assaulted him with the butt of country made rifle and

gun. On hulla and sound of firing started coming and thereafter the petitioner along with other co-accused fled away taking away the lap-top and mobile of the informant.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. The petitioner has falsely been implicated in the present case. It is further submitted that there is a case and counter case between the parties. There is admitted land dispute. As per F.I.R, the main allegation is against co-accused Afsar Alam. As far as petitioner is concerned, he is said to have assaulted with the butt of the country made rifle on the leg, which is non-vital part of the body. Hence, no offence under section 307 of the Indian Penal Code is made out in the present case. The petitioner is aged about 23 years old.

On behalf of the State it has been submitted that the petitioner is named in the F.I.R and has actively participated in the alleged occurrence.

Considering the aforesaid facts and circumstances, let the petitioner above named, be released on anticipatory bail in the event of his arrest or surrender before the learned court below within a period of six weeks from today in connection with Lauriya P.S. Case No. 150/2015 on furnishing bail bond of Rs. 10,000/-(Ten Thousand) with two sureties of the like amount each

to the satisfaction of the learned Chief Judicial Magistrate, Bettiah
subject to the conditions as laid down under Section 438(2) of the
Code of Criminal Procedure.

(Sudhir Singh, J.)

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