

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38254 of 2016

Arising Out of PS.Case No. -361 Year- 2016 Thana -SAHARSA District- SAHARSA

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1. Md. Astafir Son of Late Md. Saleem, Resident of Saharsa Basti, Ward
No. 38 Saharsa, P.S. and District- Saharsa.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dinesh Maharaj

For the Opposite Party/s : Mr. Sri Anand Mohan Prasad Mehta

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

3 20-10-2016 Heard both sides.

The petitioner apprehends his arrest in Saharsa Sadar
P.S. Case No. 361/2016, registered for the offences punishable
under Sections 307, 387, 384 and other Sections of the Indian
Penal Code and 27 of the Arms Act.

The informant alleged that while he was returning
along with his brother-in-law after purchasing mutton, the
petitioners and others surrounded them and demanded extortion.
On refusal, Md. Chunna and Md. Imran took out weapons from
their waists and Md. Chunna fired which hit on the shoulder of the
informant.

Learned counsel for the petitioner submits that the
petitioner is not the assailant. Md. Chunna is said to have fired on

the informant and the injury found to be simple in nature. Petitioner has got enmity with the informant. One Title Suit no. 13/1998 is pending in which the petitioner also intervened as defendant but it has nowhere stated that in what capacity he intervened in the Title Suit.

On the other hand, Sri Ashok Kumar Mishra, learned counsel appearing on behalf of the informant as well as learned Additional P.P. opposed the prayer for anticipatory bail and submitted that the petitioner is accused in a case bearing Saharsa Sadar P.S. Case no. 260/2009 registered under Section 302 of the Indian Penal Code. This fact has not been disclosed in para 3 of the bail petition.

Considering the facts aforesaid and the fact that the petitioner also demanded extortion and the petitioner has got criminal antecedent including a case registered under Section 302 and 387 of the Indian Penal Code , I am not inclined to enlarge the petitioner above named on anticipatory bail. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J.)

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