

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36545 of 2016

Arising Out of PS.Case No. -69 Year- 2016 Thana -MAJHAULIA District-
WESTCHAMPARAN(BETTIAH)

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Rajesh Prasad @ Rajesh Kumar, S/o Rameshwar Prasad, resident of
Purushottampur, P.S.- Majhauria, District West Champaran.

.... Petitioner.

Versus

The State of Bihar

.... Opposite Party.

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Appearance :

For the Petitioner : Mr.
For the State : Mr.
For the Informant : Mr.

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**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**
ORAL ORDER

3 21-10-2016 Heard.

The petitioner apprehends his arrest in connection with
Majhauria P.S. Case No.69 of 2016 registered under Sectiona 341, 323,
324 and 307/34 of the Indian Penal Code besides Sections 25(1-B) a,
26, 27 and 35 of the Arms Act, pending in the court the Chief Judicial
Magistrate, Bettiah, West Champaran.

The accusation is that when Md. Hazarat Ali, the son of the
informant Dargahi Mian, was going to school boarding on a motorcycle
alongwith Sabir Ali, in the way, the petitioner and two others
surrounded him. At that time, this petitioner shot fire causing injury on
the chest of Md. Hazarat Ali, the son of the informant.

Learned counsel appearing on behalf of the petitioner submits

that while the allegation against the petitioner has been made in the F.I.R. to shot fire at Md. Hazarat Ali, the son of the informant, causing injury at his chest but the injuries were found on the forehead and little finger of left hand of Md. Hazarat Ali, the son of the informant. Moreover, it is alleged in the F.I.R. that the pistol, which was used by the petitioner, was caught hold by Sabir Ali and produced before the police but the same was found ineffective in test.

On the other hand, learned counsel appearing on behalf of the informant opposed the prayer for bail of the petitioner submitting that Md. Hazarat Ali, the son of the informant, and Sabir Ali, who was driving the motorcycle, have supported the prosecution case. While the informant, the father of Md. Hazarat Ali, has stated in the fardbeyan that the injury was caused at the chest of his son, Md. Hazarat Ali, but he is not an eye witness to the occurrence.

Having considered the facts and the circumstances of the case and the nature of allegation against the petitioner, I am not inclined to grant anticipatory bail to the petitioner. Accordingly, the prayer of the petitioner for grant of anticipatory bail stands rejected.

(Rajendra Kumar Mishra, J)

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