IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.54000 of 2016

Arising Out of PS.Case No. -411 Year- 2016 Thana -SIKARPUR District-WESTCHAMPARAN(BETTIAH)

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Ahsan Ali Ansari son of Late Wazir Alam Ansari resident of Village-Barwa Barauli, P.S. Shikarpur, Within the district of West Champaran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Amarendra Nath Verma, Adv
For the State : Mr. Sri Arun Kumar Singh -5, APP
For the Informant : Mr. Umesh Chandra Verma, Adv

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CORAM: HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA
ORAL ORDER

3 28-01-2017 Heard learned counsels for the petitioner and the State.

The petitioner is languishing in custody since 29.09.2016 in a case registered for the offences punishable under sections 147, 148, 149, 448, 323, 307, 379, 504, 508 of the Indian Penal Code and 27 of the Arms Act.

The prosecution case is that all the accused persons named in the FIR came at the house of the informant and gave pressure on the wife of the informant to disburse the grains on the basis of old illegal coupons. When protest was made by the son of the informant namely Sakil, the petitioner fired upon him which caused firearm injury on his hand. Thereafter, co-accused

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Gunnu @ Asfak Ansari fired on him which caused firearm injury on his stomach, as a result he fell down on the ground. After hearing the noise, the wife of the informant came to rescue him, then co-accused Sona @ Ajmat Ali fired on her, as a result she got injured. It is further alleged that when the informant came to rescue, the co-accused Zakir Ansari fired on him. The accused persons also damaged the Bolero vehicle parked in front of the house of the informant and looted several articles from his house.

It is submitted by learned counsel for the petitioner that the petitioner has committed no offence. The present case has been lodged with malicious accusation due to political rivalry. In fact, the informant side had attacked on the accused persons with arms for which Shikarpur P.S. Case No.412 of 2016 was registered levelling accusation under sections 147, 148, 149, 323, 324, 307, 504, 506 of the Indian Penal Code and 27 of the Arms Act. Moreover, there is no injury report on record to suggest that the son of the informant namely Sakil has received fire arm injury. A statement has been made in paragraph 3 of the petition that the petitioner has no criminal antecedent.

Considering the aforesaid facts, let the above named petitioner be released on bail, on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount

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each to the satisfaction of learned CJM, Bettiah, West Champaran in connection with Shikarpur P.S. Case No.411/2016.

(Arvind Srivastava, J)

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