

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 10888 of 2017

Arising out of P.S. Case No. - 411 Year - 2016 Thana - SIKARPUR District - WESTCHAMPARAN (BETTIAH)

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AFAK ANSARI @ GULU @ AFAQUE HUSSAIN ANSARI, Son of Late Md. Ansari, Resident of Village - Barwa Barauli, P.S. Shikarpur, District - West Champaran

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Amarendra Nath Verma, Advocate

For the Opposite Party : Dr. Indihar Kumari, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

4 21-04-2017 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

The petitioner is apprehending his arrest in a case registered for the offences punishable under Sections 147, 148, 149, 448, 323, 307, 379, 504, 506 of the Indian Penal Code and Section 27 of the Arms Act.

The petitioner, allegedly, caused firearm injury to the son of the informant, namely, Shakeel Ahmad.

The case diary would reveal that injury report of other injured are there but injury report of Shakeel Ahmad is not there.

Submission of the petitioner is that, in fact, no firearm injury on the stomach of Shakeel was caused, therefore,



there is no injury report. Moreover, the victim never went to the hospital where he was referred by the police for treatment, therefore, the case diary does not contain the injury report of Shakeel.

On the other hand, learned counsel for the informant opposed the prayer for bail and submits that, in fact, to save the life of the deceased, he was sent to Sparsh Heritage Hospital where he got treatment and discharge the summary would reveal that he had sustained firearm injury. Moreover, the informant has also produced a risk bond in the matter of operation of Shakeel Ahmad at Sparsh Heritage Hospital through supplementary affidavit which substantiate that the injured was treated at Sparsh Heritage Hospital.

Considering the entire facts and circumstances of this case, this is not a fit case for anticipatory bail in connection with Shikarpur Police Station Case No. 411 of 2016 pending in the Court of learned Additional Chief Judicial Magistrate, Bettiah, West Champaran/successor Court.

Hence, prayer for bail is refused.

(Birendra Kumar, J)

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