

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28735 of 2017

Arising Out of PS.Case No. -163 Year- 2017 Thana -PATLIPUTRA District- PATNA

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Dr. Ali Muzaffar Son of Sri Qamarul Muzaffar Resident of House No. 173,
Chand Memorial Hospital , P.O. and P.S. Patliputra, town and District-
Patna.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s	:	Mr. S.A. Alam, Advocate
		Mr. Anjum Perveen, Advocate
For the Informant	:	Mr. Amarnath Jha, Advocate
For the State	:	Mr. Ansarul Haque, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2. 07-07-2017 Heard learned counsel for the petitioner and
the learned counsel for the informant.

Petitioner, in the present case, is seeking
regular bail in connection with Patliputra P.S. Case No.
163/2017 registered for the offence punishable under
Sections 341, 323, 307, 504, 506/34 of the Indian Penal
Code and Section 27 of the Arms Act.

Learned counsel for the petitioner refers the
First Information Report and submitted that a bare perusal
of the same would show that there was some dispute among
own relations. Informant and the petitioner both are related
to each other inasmuch as the present petitioner is the son of
the younger brother of the husband of mother-in-law



(Dewar's son of mother-in-law) of the informant. The informant alleged that he was called by his mother-in-law over telephone saying that his mother-in-law is being beaten by her Dewar and son of her Dewar (petitioner). The informant alleged that when he went there with his four friends to pacify the accused persons, the accused Dr. Qamarul Muzaffar and his son (petitioner) fired.

Learned counsel submits that in the F.I.R. it is not specifically stated as to whose alleged firing caused the sole injury found on the thigh of the informant's friend. The injury report of the informant's friend shows that the injury was in the right thigh, but the X-ray shows no bone injury and shows no vascular injury. In view of the clinical observation and radiologist's report, nature of injury was not found to be life threatening. Learned counsel submits that no fire-arm injury has been caused to any other person. The petitioner is an associate professor in the Department of Pathology in Patna Medical College and Hospital, Patna and has got no criminal antecedent. He would also submit that the alleged occurrence has taken place in the house of the petitioner where the presence of informant along with four of his friends as admitted by the informant himself indicate that the informant along with his four friends had



come on call from his mother-in-law and were in fact aggressor. Learned counsel further submits that a counter case vide Patliputra P.S. Case No. 164/2017 under Section 147, 149, 447, 504, 506, 427, 354 and 336 of the Indian Penal Code has been lodged by the wife of the present petitioner in which the informant and other unknown persons are accused. Learned counsel for the petitioner however submits that the petitioner has no criminal history, has been falsely implicated and is in custody since 24.05.2017.

Learned counsel for the informant opposes the prayer for bail of the petitioner saying that there are allegations of two firing one of which hit the friend of the informant causing injury on his thigh as aforesaid. Learned counsel however admits that the petitioner and informant are related to each other and the alleged occurrence has taken place due to some on going family dispute between the two families.

Considering the facts and circumstances of the case, admitted presence of the injured in the house with informant and other three friends in course of a family dispute the nature of allegation and that the injury has not been found to be life threatening, I am inclined to grant



regular bail to the petitioner, let the petitioner, above named, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Sub-Judge-12, Patna cum Additional Chief Judicial Magistrate, Patna, in connection with Patliputra P.S. Case No. 163/2017, subject to condition as laid down under Section 437(3) of the Code of Criminal Procedure, which reads as follows:

- (a) that petitioner shall attend in accordance with the conditions of the bond executed under this Chapter,
- (b) that petitioner shall not commit an offence similar to the offence of which he is accused; and
- (c) that petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

(Rajeev Ranjan Prasad, J.)

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