

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.65307 of 2018

Arising Out of PS. Case No.-93 Year-2018 Thana- SIMRI District- Darbhanga

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1. Md. Ali Ahmad @ Md. Arzoo, Son of Shami Ahamd,
 2. Nabi Ahmad, Son of Shami Ahmad,
- Both resident of Village- Bastwara, P.S.- Simri, District- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Md. Fazal Rahman, Adv.

For the Opposite Party/s : Mr. J. N. Thakur, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 13-12-2018 Heard learned Counsel for the petitioners and learned APP
for the State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 195A/323/325/341/34 of the Indian Penal Code and Sections 25(1-B)a, 26, 27, 35 of the Arms Act.

The prosecution case got initiated on the basis of written report dated 04.07.2018 submitted by Amzad Ali to the Station House Officer, Simri Police Station to the effect that on 04.07.2018, while the informant was at his house, in the meantime, the petitioners, Md. Ali Ahmad @ Md. Aarju and Nabi Ahamad, being his co-villager along with two unknown came there, when the petitioners assaulted the informant with an iron rod, causing



injury on his hand. When the informant tried to escape from the scene, then petitioner no.2 took revolver from the unknown person and pointed on the temporal region of the informant. Thereafter, petitioner no.1, took revolver from petitioner no.2 and fired upon the informant, but it did not hit him. On alarm being raised by the informant, when the nearby people came, the accused persons started fleeing away from the scene, but on chase being made out of the four accused persons, one got caught, who disclosed his name as Md. Arsad and other accused's name as Habibullah.

It is submitted by learned counsel for the petitioners that due to petty dispute the accusation has wrongly been levelled. It is further stated that there is no eye witness to the occurrence. No injury has been caused to anyone in the said occurrence and subsequently, the informant has retracted from the initial version and has filed a petition to that effect before the learned Court below, as contained in Annexure-2. A statement has been made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent.

It is submitted by learned APP for the State that accusation is specific against the petitioners.

Considering the aforesaid facts and as per the FIR, no injury was caused to anyone, retracted version of the informant, coupled with statement made in paragraph no.3 of the petition



that the petitioners are not having any criminal antecedent, let the above named petitioners be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned CJM, Darbhanga, in connection with Simri P.S. Case No.93 of 2018, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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