

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14564 of 2019

Arising Out of PS. Case No.-716 Year-2018 Thana- SIWAN MUFFASIL District- Siwan

MD. RJA @ SHAKIL AHMAD @ SHAKIL @ RAJU MIAN, Son of Late
Mustakim, R/o village- Khagaura, P.S.- Dhanauti O.P., District- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Ajay Kumar Tiwary, Adv.
For the Opposite Party/s	:	Mr.Shyameshwar Dayal, APP
For the Informant	:	Mr. Prashant Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 11-03-2019 Heard learned counsel for the petitioner, learned APP
representing the State and learned counsel for the informant.

Petitioner is seeking anticipatory bail in connection with Siwan Muffasil P.S. Case No. 716 of 2018 registered for the offences punishable under Sections 341, 324, 326, 307, 504, 506 and 120(B)/34 of the Indian Penal Code and Section 27 of the Arms Act.

The prosecution case is that on the alleged date of occurrence this petitioner came upon the land of the informant and tried to get forceful possession which was objected by the son of the informant. It is alleged that this petitioner took out a pistol from his waist and while co-accused caught the son of the informant from the back, this petitioner fired upon him causing



injury in his stomach and arm.

Learned counsel for the petitioner submits that the petitioner and the informant are own gotias. There is a land dispute and for that reason this petitioner has been falsely implicated. It is claimed that at the relevant time, the petitioner was in Delhi. It is further submitted that when the petitioner returned from Delhi on 24.01.2019 the informant party had fired upon him for which a case has been registered against the present informant.

On the other hand, learned APP for the State and learned counsel for the informant have opposed the prayer for anticipatory bail. It is submitted that there is direct allegation of causing fire-arm injury to the informant on vital part of his body. It is further stated that the petitioner has also got criminal antecedent as stated in paragraph 3 of the application.

Considering the facts and circumstances of the case, the specific allegation against the petitioner and that he has a criminal antecedent, I am not inclined to grant anticipatory bail to the petitioner. His prayer is refused.

In case, the petitioner surrenders and prays for regular bail in the court below within a period of four weeks from today, the same shall be considered on its own merit and on the basis



of the materials available on the record.

(Rajeev Ranjan Prasad, J)

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