

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21676 of 2019**

Arising Out of PS. Case No.-1878 Year-1998 Thana- GOPALGANJ COMPLAINT CASE
District- Gopalganj

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Zafar Javed Khan S/o Late Muzibullah R/o village- Masoompur, P.S.-
Khejuri, District- Ballia (U.P)

... .. Petitioner/s

Versus

1. The State of Bihar
2. Arun Kumar Rai S/o Yogendra Rai R/o village- Manjha, P.S.- Phulwaria,
District- Gopalganj

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Lokesh Kumar Singh

For the Opposite Party/s : Mr. Uday Pratap Singh

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**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL**

ORAL ORDER

3 21-06-2019 Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

The petitioner apprehends his arrest in a case
registered under Sections 147, 148, 149 and 302 of the Indian
Penal Code.

Petitioner who happens to be S.H.O. of P.S.
Mirganj along with other police personnel is said to have
descended the house of the informant and started resorting
firing. The petitioner gunned down one Srikrishna Pratap Singh
@ Anshu. After realizing that the deceased is a student of B.A.
Final and he has arrived at the village after appearing in the
examination at Allahabad, to give it colour of shoot out, he



resorted firing on the leg of his companion Home Guard.

It is submitted by learned counsel for the petitioner that no such occurrence as alleged ever took place. As a matter of fact, on the tip off about hiding of the veteran criminal namely Guddu Rai along with his accomplices in the house of Madhusudan Rai, the petitioner raided the aforesaid house and exchange of fire took place between the criminals and police personnel. In the said firing, one Home Guard and Srikrishna Pratap Singh @ Anshu sustained fire arm injury and said Srikrishna Pratap Singh @ Anshu succumbed to his injury. Regarding the aforesaid occurrence, the petitioner lodged Phulwaria P.S. Case No. 54 of 1998 against aforesaid Madhusudan Rai, Arun Kumar Rai and others. On the instigation of the father of the deceased namely Madhusudan Rai, aforesaid case lodged by the petitioner was investigated by the C.I.D. and after the investigation, C.I.D. found the aforesaid case true and submitted chargesheet and on the basis of the aforesaid chargesheet and after taking cognizance the trial started against the aforesaid accused persons. It is further submitted that the complainant has lodged the aforesaid complaint case in order to save his skin from the aforesaid case lodged by the petitioner against him and others. Moreover



complainant has not mentioned in the complaint petition that he had approached the police but he refused to lodge the F.I.R. He never approached the top brass police officer complaining against the concerned S.H.O. He also did not file any affidavit in support of complaint petition. In said complaint case after taking cognizance no further progress has been made.

On the other hand, learned APP for the State opposed the bail petition.

Having regard to the facts and circumstances of the case, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-IV, Gopalganj in connection with Complaint Case No. 1878 of 1998 (Trial No. 1541/2018, 2242/2019, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Prakash Chandra Jaiswal, J)

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