

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19815 of 2019

Arising Out of PS. Case No.-555 Year-2018 Thana- JOGAPATTI District- West Champaran

RABUL ALAM Son of Late Asaruddin Mian Resident of Village-Dhabelwa,
Ward No.3, P.S.-Jogapatti, District-West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Baxi S. R. P. Sinha, Sr. adv. Mr. Vijay Kr Singh No. 1
For the Opposite Party/s	:	Mr. Ram Priya Sharan Singh
For the informant	:	Mr. Anis Akhtar Mr. Mahtab Alam

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 29-07-2019 Heard learned Senior Counsel for the petitioner,

learned Counsel for the informant and learned Additional Public

Prosecutor for the State.

This application, for grant of anticipatory bail, arises
out of Yogapatti Police Station Case No. 555 of 2018, disclosing
offences under Sections 147/14/149/341/323/324/307/506 of the
Indian Penal Code and Section 27 of the Arms Act.

The allegation against the petitioner is that the
accused persons fired upon the informant and others in a
meeting convened for illegal appointment of some of the
teachers in a Madarsa. It is alleged that the petitioner fired upon
one Md. Nuruddin, which hit him in his stomach.

Learned Senior Counsel for the petitioner submits that



the allegation against the petitioner is of firing at one Md. Nuruddin in his stomach and from perusal of the injury report (Annexure-3), it would be evident that injury caused to Md. Nuruddin is simple in nature, caused by hard and blunt substance. He further submits that the injury report does not corroborate the allegation made in the First Information Report. He further submits that similarly situated co-accused Md. Alamgir, against whom there is allegation of firing on one Md. Abulaish on his thigh, has been granted anticipatory bail by this Court vide order, dated 24.07.2019, passed in Criminal Misc. No. 30401 of 2019.

On the other hand, learned Counsel for the informant vehemently opposes the prayer for bail and submits that there is allegation of firing against the petitioner and he does not deserve privilege of anticipatory bail.

After having heard learned Counsel for the parties and taking into consideration the fact that the injury caused to Md. Nuruddin is not corroborated by the allegation made in the First Information Report and further that similarly situated co-accused has been granted anticipatory bail, this application is allowed.

Let the petitioner, Rabul Alam, in the event of his



arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bettiah, West Champaran, in connection with Yogapatti Police Station Case No. 555 of 2018, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioner shall present himself before the police/Court, as the case may be, as and when required and in the event of failure on his part to appear before the Court on two consecutive occasions, his bail bond shall be liable to be cancelled.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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