

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2319 of 2019**

Arising Out of PS. Case No.-34 Year-2019 Thana- PANCHRUKHI District- Siwan

MD. SHAHBAZ Son of Late Ali Ahmad Resident of Village - Hardiya, P.S.-
Pachrukhi, Dist.- Siwan.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Ajay Kumar Tiwary
For the Respondent/s : Mr.Usha Kumari 1

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

ORAL ORDER

4 27-08-2019 Heard learned counsel for the appellant and learned
Spl. PP for the State.

This is an appeal under Section 14(A)(2) of the SC/ST Act against the refusal of prayer for anticipatory bail vide order dated 04.05.2019 passed by learned 1st Addl. Sessions Judge cum Special Judge, Siwan in Pachrukhi P.S. Case No. 34 of 2019 registered under Section 307 of the Indian Penal Code, Section 27 of the Arms Act and Sections 3(2)(v) of the SC/ST Act.

On receiving call on mobile, brother of the informant stepped out of the house. He regressed to his house 1-1½ hours later and his mouth and back was bleeding by that time. He was rushed to the Sadar Hospital, Siwan where the bullet was extricated and he was referred to Patna.



It is submitted by learned counsel for the appellant that the appellant has no concern with the aforesaid occurrence. He has been falsely implicated in the case due to ulterior motive and dirty village politics. There is no eye witness of the occurrence. He is not named in the F.I.R. He has no criminal antecedent. Hence he may be enlarged on bail.

On the other hand, Learned Spl. PP for the State vehemently opposing the bail petition submitted that the victim in his statement recorded in Para-50 of the case diary has candidly stated that appellant along with two other accused persons namely Shahanwaj @ Chunnu and Masook caught him hold and two of them resorted firing upon him making him injured. Doctor has also found two fire arm injuries on the person of the victim and I.O. has recovered two empty cartridges from the place of occurrence. Hence the appellant does not deserve bail.

Learned Spl. PP for the State opposed the prayer for bail.

Having regard to the facts and circumstances of the case, I am not inclined to enlarge the appellant on bail. Prayer for bail of the appellant is rejected.

However, appellant is directed to surrender before



the learned court below within six weeks from today and seek regular bail and the learned court below shall dispose of the bail petition of the appellant in accordance with law without being prejudiced by this order.

Accordingly this appeal is dismissed.

(Prakash Chandra Jaiswal, J)

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