

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43280 of 2019**

Arising Out of PS. Case No.-92 Year-2019 Thana- MAKHDUMPUR District- Jehanabad

Maatbar Rai @ Matvar Rai Son of Late Gopal Prasad Resident of Village -
Saren, P.S.- Makhdumpur, Dist.- Jehanabad.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Umesh Kumar

For the Opposite Party/s : Mr. Rajiv Nayan

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

ORAL ORDER

3 03-09-2019 Heard learned counsel for the petitioner and
the learned A.P.P. for the State.

The petitioner apprehends his arrest in a case registered for the offences punishable under Section 341, 323, 326, 307 & 506 of the Indian Penal Code and Section 27 of the Arms Act.

While the informant along with his companion Nirbhay Kumar Paswan was regressing to his house petitioner along with two other persons arrived on motorcycle and petitioner resorted firing on his right thigh and then left the scene. The bone of contention is said to be the property dispute.

Learned counsel for the petitioner submitted that no such occurrence as alleged ever took place. The



petitioner is quite innocent and has been falsely implicated in this case because he has lodged Makhdumpur P.S. Case No.228 of 2012 against the informant preceding to the case under hand. There is no eye witness of the occurrence. The companion of the informant has also not supported the occurrence. The place of occurrence found by the I.O. is not matching with the F.I.R. Hence, he may be enlarged on bail.

Per contra, learned counsel for the informant and learned APP for the State opposing the bail petition submitted that the informant in his further statement has supported the occurrence and his companion has stated that the accused persons surrounded them on the way and one of them resorted firing upon the informant. The doctor has also found firearm injury on the thigh of the informant. Hence, the petitioner does not deserve bail.

Considering the facts and circumstances of case, I am not inclined to enlarge the petitioner on bail. The prayer for bail of the petitioner is hereby rejected. However, the petitioner is directed to surrender before the learned Court below within six weeks from today and seek regular bail and the learned Court below would pass order in



accordance with law without being prejudiced by this order
on the very date of surrender.

(Prakash Chandra Jaiswal, J)

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