

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.53368 of 2019**

Arising Out of PS. Case No.-58 Year-2019 Thana- PAHARPUR District- East Champaran

Lalan Mian @ Sajid Alam @ Lotan Mian, Son of Md. Jakir Hussain Resident  
of Ward No. 2, Near Masjid Noneya, P.S. Paharpur, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Dilip Kumar Tondon

For the Opposite Party/s : Mr.Md. Ataur Rahman

**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA**  
**ORAL ORDER**

2      26-08-2019                      Heard learned counsel for the petitioner and learned  
counsel appearing on behalf of the State.

Petitioner apprehends his arrest in connection with  
Paharpur P.S. Case No.58 of 2019, G.R. No.1315 of 2019 for  
the offence punishable under Sections 147, 148, 149, 341, 323,  
307 and 504 of the Indian Penal Code and Section 27 of Arms  
Act.

The allegation against the petitioner as per First  
Information Report is that on 02.03.2019 a Barat party of the  
daughter of one Braj Kishore Pandey had come in which dance  
of orchestra party was going on. During that course, there was  
scuffle between the son of the informant, Sanjay Yadav and  
others. It has further been alleged that in the night when the  
informant's son was returning to his home, he was intercepted



near the shop of Vishwanath Sah by the FIR named accused persons, who had fired upon him from countrymade pistol which caused fire arm injury to the son of the informant. The name of the petitioner transpired after some time as per the statement made by the victim, i.e, son of the informant.

Mr. Dilip Kumar Tandon, learned counsel appearing for the petitioner submits that petitioner has no criminal antecedent and he is not named in the present FIR. Learned counsel further submits that the name of the petitioner has come on the basis of statement made by victim before the police after some time. It appears that the victim has taken the name of one Sajjad who was also involved in the offence. Learned counsel submits that petitioner has unnecessarily been dragged as an afterthought in this case inasmuch as the FIR was lodged disclosing the name of accused persons upon the information provided to the informant by his son who had sustained fire arm injury.

After having heard learned counsel for the petitioner as well as learned counsel appearing on behalf of State and taking into consideration the fact that the petitioner is not named in the FIR and has got no criminal antecedent and further the name of the petitioner has come after a lapse of considerable



time, as such, I am inclined to grant anticipatory bail to the petitioner.

Accordingly, the petitioner, above named, is directed to surrender before the learned Court below within a period of four weeks from today and in the event of surrender by him, he shall be released on anticipatory bail by the Court below upon furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Motihari, East Champaran, subject to the condition as mentioned under Section 438 (2) of Cr.P.C.

**(Anil Kumar Sinha, J)**

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