

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54649 of 2019

Arising Out of PS. Case No.-411 Year-2019 Thana- PHULWARISHARIF District- Patna

NUR HASSAN @ MD. SAHRUKH S/O Md. Sattar Mian @ Abdul Sattar
Resident of Village- Isopur Nahar Par In front Islamiya School, P.S.-
Phulwarisharif, District- Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajeev Kumar

For the Opposite Party/s : Mr.Nawal Kishore Prasad

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 29-08-2019 The petitioner apprehends his arrest in connection with
Phulwarisharif P. S. Case No. 411 of 2019 registered under
Sections 323,341,384 and 506/34 of the Indian Penal Code and
25(1-b)a/26/35 of the Arms Act.

Allegation against the petitioner, as per FIR, is that when
the informant was sitting near his house, petitioner along with
others arrived there and started quarreling with him and co-
accused Vikky assaulted the informant with belt and when his
mother-in-law came to save him then petitioner pointed out a
pistol upon her. It is alleged that with the help of local people,
pistol from the hand of the petitioner was taken away and he
fled away from the place of occurrence. It has further been
alleged that pistol along with four cartridges and magazine were



handed over to the police by the informant.

Learned counsel appearing on behalf of the petitioner submits that petitioner has falsely been implicated in this case based upon a concocted story. He submits that petitioner is 45% handicapped from his leg, as would be evident from Annexure-2 to this application, which is a certificate issued by the competent authority, and it is highly improbable that a person handicapped with his leg can flee away from the place of occurrence where a large number of people had allegedly assembled. Learned counsel further submits that illegal arms were not recovered by the police and same was produced by the informant before the police which creates doubt in the prosecution story.

After having heard learned counsel for the parties and taking into consideration the fact that petitioner is handicapped from his leg and further illegal arms were not recovered by the police from the conscious possession of the petitioner, as such I am inclined to grant anticipatory bail to the petitioner.

Let the petitioner, above-named, in the event of arrest or surrender before the court below within a period of four weeks from the date of receipt of a copy of this order, be released on bail upon furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of the learned Sub



Judge-XV-cum-ACJM, Patna in connection with Phulwarisharif
P.S.Case No. 411 of 2019; subject to condition as laid down
under Section 438(2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

sujit/-

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