

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65839 of 2019

Arising Out of PS. Case No.-74 Year-2019 Thana- PHULWARISHARIF District- Patna

MD. AFTAB ALAM @ AFTAB HAIDER Son of Late Ismail Haider Resident
of Flat No. 403, Block- C, Aakash Ganga Apartment, Ashiyana-Digha Road,
P.S.- Shastrinagar, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sunil Kumar

For the Opposite Party/s : Mr.Binod Kumar

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 21-10-2019 Heard both sides.

The petitioner apprehends his arrest in Phulwarisharif
P.S. Case No.74 of 2019 registered under Sections 307, 120B
and 34 of the Indian Penal Code.

The informant alleged that on 21.01.2019 at about
3.20 pm. she was going to college along with other staff Anil
Kumar on a car and when she reached near Janipur-Bamanpura
road at Danapur, two persons came on a motorcycle and stopped
the car. The motorcyclist was wearing helmet. The pillion rider
fired which hit in her right shoulder. The informant disclosed the
name of motorcyclist as Tarique Haider. She further disclosed
that her first husband died and thereafter she solemnized court
marriage with Aquil Haider, who disclosed that his first wife



had died but later on she came to know that the first wife of Aquil Haider is also alive. Thereafter a dispute arose for share in the property. Tarique Haider, Sunny Haider, Shakil Haider, Afroz Haider, Aftab Haider and others assaulted her about 8-10 months before the present case for which she had lodged case. She further alleged that on account pressure given by her husband she left taking interest in the case instituted by her.

Learned counsel for the petitioner submits in the present case the petitioner was not even present. Only two persons came on a motorcycle. The informant identified one of them as Tarique Haider. It is further submitted that on account of property dispute all the family members of the husband of the informant have falsely been implicated in the case. The other accused persons, namely, Tarique Haider, Nishant Haider and other co-accused have already been granted anticipatory bail by a coordinate bench of this court. The case of the petitioner stands on the same footing.

It appears that the informant is said to have received firearm injury but the petitioner was not present. According to the informant, only two persons, namely, Tarique Haider and unknown came on a motorcycle and unknown, who was a pillion rider, fired causing injury on the right shoulder of the



informant. Thereafter the informant disclosed about the occurrence said to have taken place 8-10 months before the present occurrence. The informant herself stopped taking interest in the case lodged for the first occurrence. Similarly situated accused persons have been granted anticipatory bail by a coordinate bench of this court.

Having considered the facts aforesaid and the nature of allegation made against the petitioner, the above named petitioner, in the event of his arrest or surrender before the learned court below within a period of four weeks from the date of receipt/production of a copy of this order, is directed to be enlarged 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 Additional Chief Judicial Magistrate XV, Patna in connection with Phulwarisharif P.S. Case No.74 of 2019, subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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