

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7196 of 2020

Arising Out of PS. Case No.-18 Year-2016 Thana- BHAWANIPUR District- Purnia

Md Alam, S/o Late Shakoor, Resident of Village- Bashgadha Naya Tola, P.S.-
Rupauli, Distt- Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ram Prawesh Kumar, Advocate
For the Opposite Party/s : Mr.Shailendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 02-07-2020 Since as of now the Courts have not resumed normal physical hearing, the matter has been listed today for consideration through video conferencing.

The learned counsels are appearing and making submissions from their residence. The Court Master and Secretary are also part of this virtual Court proceedings from their homes, all with the aid of audio visual technology.

Heard learned counsel for the petitioner and the learned APP for the State.

The petitioner is apprehending his arrest in connection with Bhawanipur P.S. Case No.18 of 2016 registered for the offence punishable under Sections 302, 120B, 34 of the Indian Penal Code and Section 27 of the Arms Act.

The case of the informant is that the petitioner along



with two named and three unknown accused persons had entered the house of the informant and indulged in assault by various means.

The allegation against the petitioner is of firing upon the informant's son.

Petitioner's Counsel submits that from the F.I.R. itself, it is apparent that the basis of petitioner's false implication is rival claim to the land on which the petitioner is running his garage and has constructed his house. The deceased happens to be own brother-in-law of the petitioner. The present case is a counterblast to Bhawanipur P.S. Case No.08 of 2013, which is pending against the deceased.

Learned APP for the State has opposed the prayer for bail. Referring to the order of rejection dated 21.12.2019 passed by the Additional Sessions Judge-I, Purnia, it is submitted that the fatal gun-shot injury attributed to the petitioner stands corroborated in the post-mortem report.

Considering the rival submissions and the gravity of the offence, this Court is not inclined to grant the privilege of anticipatory bail to the petitioner. It is, accordingly, rejected.

If the petitioner surrenders and prays for regular bail, the court below shall proceed to consider his prayer without



being prejudiced by the present order of rejection of the prayer
for anticipatory bail.

(Madhuresh Prasad, J)

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