

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.11796 of 2020

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Ashan Mian @ Ahsan Ali @ Nanhe, aged about 29 years, Gender Male son of Md. Yunus @ Md. Yunus Ali, resident of village Miralipur, P.S. Thawe, District- Gopalganj, Bihar

..... Petitioner

Versus

The State of Bihar

..... Opposite party

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Appearance

For the Petitioner : Mr. Prashant Kumar, Advocate

For the State : Mr. Arbind Kumar Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL ORDER

3 07.09.2020 Heard learned counsel for the petitioner and learned A.P.P for the State through video conferencing.

The instant application for anticipatory bail has been filed by the petitioner apprehending his arrest in connection with Manjhagarh P.S. Case No. 58 of 2017 registered under sections 307, 341, 323, 504, 337, 338 and 34 of the Indian Penal Code and sections 25(1-B)(a), 26, 27 and 35 of the Arms Act.

As per allegation in the F.I.R, it is stated by the informant that he was made to stop by the accused persons and thereafter



on the orders of this petitioner, one another accused person fired on the informant as a result of which he sustained bloodied injuries. The accused persons who had fired was caught. It is stated by the informant that the occurrence was given effect to as he is an important witness in Manjhagarh P.S. Case no.150 of 2015.

It is submitted by learned counsel for the petitioner that the allegation as levelled in the F.I.R. are false and concocted. There is enmity between the parties. It is further submitted that from the F.I.R. itself, admittedly there is no overt act alleged against this petitioner and it has been stated by the informant that the person who fired upon him was caught. Further in reference to the injury report of the informant as contained in Annexure-2, it is submitted that the injuries was superficial and the informant was discharged in two days. It is further submitted that co-accused Ravi Singh and Md. Saddam have been enlarged on bail vide orders dated 17.1.2018 an 20.12.2018, Annexure-3 series to petition. It is submitted that the petitioner has been working in Malaysia and in support thereof the documents in Annexure-4 series are referred to. It is finally submitted that the petitioner has no criminal antecedent.

The application for bail is opposed by learned APP for the



State.

Case diary in the case had been called for and the same has been received.

Having heard learned counsel for the parties and taking into consideration the allegation in the F.I.R. where the petitioner is stated to be the order giver, taking into consideration that the co-accused Ravi Singh and Md. Saddam who had been granted bail vide order contained in Annexure-3 series were in custody, the Court is not inclined to enlarge the petitioner on bail. The application for anticipatory bail stands rejected.

However, in the facts and circumstances of the case, in case the petitioner surrenders within a period of 8 weeks from today, the application for bail of the petitioner shall be considered on its own merits without being prejudiced by this order of rejection.

(Partha Sarthy, J)

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