

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25558 of 2020

Arising Out of PS. Case No.-110 Year-2020 Thana- PUPRI District- Sitamarhi

MD. JAMAL @ MD. JAMAL RAHMAN Son of Md. Latifur Rahman
Resident of Ward No.03, Jhajhihat, Janakpur Road, Pupri, Police Station-
Pupri, District- Sitamarhi.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Garg, Advocate
For the Opposite Party/s : Mrs.Sangeeta Sharma, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 13-11-2020 Heard both sides through Video Conferencing.

The petitioner apprehends his arrest in Pupri P.S. Case No.110 of 2020 registered under Sections 341, 323, 504, 307, 447 and 34 of the Indian Penal Code and under Section 27 of the Arms Act.

The informant(Amir Hussain) alleged that after hearing some sound of noise, he went near a masjid and saw Md. Nehal assaulted his cousin, Md. Saukat with dabiya but the villagers caught Md. Nehal. Thereafter, Md. Nehal went to his house and after sometimes, Md. Nehal, Md. Nizam, Md. Kamal, Md. Jamal(the petitioner), Md. Naushad, Md. Ansar, Md. Asgar, Md. Angad, Md. Shahid, Md. Nasir, Md. Mustafa, Md. Raja and Mr. Hoda came to the house of his cousin. They abused and



made firing. Thereafter, all the accused persons again entered into the house of the informant assaulted the informant and thereafter Md. Nizam made firing which hit on the abdomen of the informant.

The learned counsel for the petitioner submits that petitioner is of course named in the F.I.R. but no specific allegation is made against the petitioner. It was Md. Nizam who made firing on the informant. Even the informant in his further statement did not make any specific allegation against the petitioner but it appears from perusal of the case diary as well as the F.I.R. that firstly Md. Nehal assaulted Md. Saukat, the cousin of the informant and when the villagers caught Md. Nehal, all the accused persons went away. After sometimes they again having armed with different weapons came to the house of Md. Saukat and made indiscriminate firing. Thereafter the accused persons including the petitioner forcibly entered into the house of the informant, assaulted him with fist and slab and Md. Nizam fired causing injury on the abdomen of the informant.

It appears that petitioner and other accused persons are alleged to have entered into the house of the informant, assaulted him with fist and slap and only thereafter Md. Nizam



fired causing firearm injury on the abdomen of the informant.

The injury is grievous in nature.

Taking into consideration the facts aforesaid, I am not inclined to enlarge the petitioner on anticipatory bail.

Accordingly, the same is rejected.

(Prabhat Kumar Jha, J)

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