

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82173 of 2019

Arising Out of PS. Case No.-597 Year-2019 Thana- KADAMKUAN District- Patna

Md. Shabbir Ahmad @ Pappu Haddi Son of Late Bashir Alam, Resident of
Mohalla - Dargah Road, Qasim Colony, P.S.- Sultanganj, District- Patna

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Syed Masleh Uddin Ashraf

For the Opposite Party/s : Mr.Ahmad Ali

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 18-02-2020 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner is apprehending his arrest in a case registered for the offences punishable under Sections 307,120B,324, 326 of the Indian Penal Code and Section 27 of the Arms Act.

The prosecution case got initiated, as per the written report of the informant, namely, Shastri Kumar submitted before the S.H.O, Kadamkuan Police Station is to the effect that on 08.09.2019 at about 7.P.M. all the F.I.R. named accused persons, with whom a land dispute was going on with the brother of the informant, started firing on his brother Jitendra Kumar, causing injury on his left shoulder and left palm. co-accused Md. Saheb



was apprehended along with pistol by the local people, who disclosed the name of the petitioner and others, who had fled away from the place of occurrence.

It is submitted by learned counsel for the petitioner that for the occurrence of 08.09.2019, F.I.R. was lodged on 09.09.2019 in which the petitioner is named accused in the F.I.R.. There is no specific overt act against the petitioner and the allegation of firing is general and omnibus. The F.I.R. was lodged after more than 26 hours of the alleged occurrence without explaining any cogent reason. As per the F.I.R., immediately after firing, one of the miscreants was apprehended with pistol, who categorically confessed that he fired on Jitendra Kumar on the order of Raju, which suggests that only two persons were on the spot. A statement has been made in paragraph-3 of the petition that apart from this case, petitioner is accused in six other cases but he is on bail in all the six cases.

Learned Addl. Public Prosecutor by way of referring to some of paragraphs of the case diary submits that some of the witnesses have supported the prosecution case. Moreover, the petitioner is also accused in several other cases of similar nature.

Considering the nature of accusation coupled with



criminal antecedent of the petitioner, this court is not inclined to
enlarge the petitioner on anticipatory bail. Accordingly, the
prayer for anticipatory bail stands rejected.

(Dinesh Kumar Singh, J)

nawalkrs/-

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