

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84981 of 2019

Arising Out of PS. Case No.-250 Year-2019 Thana- DHAMDAHA District- Purnia

MD. BABLU Son of Md. Shahid Resident of Village - Jabe, P.S.-
Bhawanipur, Dist.- Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amit Kumar Anand

For the Opposite Party/s : Mr.Amit Kumar Rakesh

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

5 26-06-2020 Heard both sides.

The petitioner apprehends his arrest in Dhamdaha P.S. case No. 250/2019 registered under Section 307, 379, 120B, 34 of the IPC and u/s 27 of the Arms Act.

The matter has been taken up through video conferencing.

The informant alleged that he purchased 02.22 decimal land in his village but his brother, Wajhul Kamal, and his three sons, Md. Ajmat, Md. Rizwan and Md. Rahmat were forcibly cultivating the land and were taking the usu fruits of the land. The informant convened panchayati but even thereafter his brother did not pay any heed nor handed over possession of the land and a proceeding u/s 107 of the Cr. P. C was also initiated and FIR was lodged. The informant executed sale deed on 27.07.2019 with regard to 17 katha and 13 dhur of land in favour of Md. Murshid Alam on consideration amount of Rs. 3,96,000/-. The informant went to his Sasural taking the consideration amount. On the next day when the informant and



his brother-in-law were returning the petitioner and other accused persons came from behind chasing the informant. The petitioner and others are alleged to have indiscriminately fired causing injury to Md. Gufran, brother-in-law of the informant. The accused persons fled away snatching the bag containing money.

The learned counsel for the petitioner submits that, of course, the petitioner is named in the FIR and he is alleged to have fired but the injured made statement in paragraph 47 of the case diary and he did not disclose the name of petitioner as the person who fired and on the basis of which some accused persons have been granted anticipatory bail vide order passed in Cr. Misc. No. 86763 of 2019 but from perusal of the FIR and the case diary I find that petitioner and other accused persons chased the informant and his brother-in-law. The petitioner is alleged to have made indiscriminate firing along with other accused persons. They snatched the bag containing money at the instance of brother of the informant.

Taking into consideration the facts aforesaid and the fact that petitioner is also alleged to have made firing, I am not inclined to enlarge the petitioner on anticipatory bail. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J)

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