

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.15603 of 2021

Arising Out of PS. Case No.-190 Year-2019 Thana- HUSSAINGANJ District- Siwan

ABRE ALAM Son of Late Gaffar Miyan Resident of Village - Piyaaur, P.S.-
M. H. Nagar, Dist.- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjay Kumar Singh

For the Opposite Party/s : Mr. Bijay Prakash Singh

Mr. Anita Kumari Singh, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 16-08-2021 Heard learned counsel for the petitioner the State and
the informant.

Petitioner seeks regular bail in a case registered for
the offence punishable under Section 147, 302, 506 of the
Indian Penal Code, u/s 27 of Arms Act and u/s 3/4 of the
Explosive Substance Act.

As per the prosecution case, while the elder brother of
informant was at his brick kiln on 27.06.2019, five persons
named in the FIR, including this petitioner, and 2-3 unknown
persons came there and this petitioner and Anwar Alam fired at
his brother causing injuries at his hand and chest. Thereafter,
Kausar Sai and Farookh hurled bomb at his brother due to that



reason, the brother of informant died. The reason behind the occurrence is that uncle of the informant, Wasi Ahmad, was killed by this petitioner and in that case his brother was informant and petitioner was giving threat to withdraw the case in the past.

Learned counsel appearing for the petitioner submits that informant is not an eye witness of the occurrence. It is further submitted that even if the FIR is assumed to be true, the prosecution has alleged in the FIR that petitioner fired at the hand of the deceased. The post mortem report is not in consonance with prosecution case inasmuch as no bomb injury was found on the person of the deceased. Petitioner is in custody since 06.07.2019.

Learned counsel appearing for the State and the informant vehemently opposed the prayer for bail and submitted that there is specific allegation against this petitioner and Anwar Alam of causing fire arm injuries as a result of which elder brother of the informant died.

Considering the nature of allegation and gravity of offence, I am not inclined to enlarge the petitioner on bail. Accordingly, the same is rejected.

Since the petitioner is in custody since 06.07.2019,



the trial court is directed to conclude the trial as early as possible.

(Prabhat Kumar Singh, J)

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