

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28759 of 2021

Arising Out of PS. Case No.-18 Year-2016 Thana- BHAWANIPUR District- Purnia

Md. Alam S/O Late Md. Shakoor R/O Village-Basgadha, P.S.-RUPAULI,
District-Purnea.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md. Hussain

For the Opposite Party/s : Mrs. Dr. Indihar Kumari, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

6 25-11-2021 Heard learned counsel for the petitioner and learned
A.P.P for the State.

The petitioner seeks bail in Bhawanipur P.S. Case No.
18 of 2016, registered for the offence punishable under Sections
302, 120(B) and 34 of the Indian Penal Code and section 27 of
the Arms Act.

As per the prosecution case, all the FIR named
including this petitioner and three unknown persons having arm
entered the house of informant. It is further alleged that
petitioner assaulted the informant on his head by the butt of
country made pistol causing heady injury. When informant's son
came to rescue petitioner fired upon him causing his death. Co-
accused Jainul assaulted the wife of informant with butt of
pistol. Thereafter, all the accused persons fled away. It is alleged



that due to land dispute between the parties the alleged occurrence took place.

It is submitted on behalf of the petitioner that petitioner has falsely been implicated in this case due to land dispute. In fact, petitioner has filed one case bearing Bhawanipur PS Case No. 08 of 2013 under Section 307 and other allied sections of the Indian Penal Code and section 27 of the Arms Act, against the son of informant Munna (deceased) and another son Phulo and trial is going on only with a view to put pressure on petitioner this false case has been lodged. Petitioner is in custody since 05.07.2020.

Learned APP however, vehemently opposed the prayer for bail and submitted that there is specific and direct allegation of firing against petitioner as a result of which informant's son died on the spot.

Considering the facts aforesaid and the nature of accusation, I am not inclined to enlarge the petitioner above-named on bail. Accordingly, the same is rejected.

(Prabhat Kumar Singh, J)

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