

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36081 of 2020

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

Md. Nehal S/o Lutfur Rahman @ Md. Latifur Rahman Residence of vill-
Jhajhihat, P.s.- Pupri, Diss- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Kedar Jha, Adv.
For the Opposite Party/s	:	Mr. Khurshid Anwar, APP
For the Informant	:	Mr. Ashar Mustafa, Adv.

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

4 22-06-2021 Heard Mr. Kedar Jha, learned counsel for the

petitioner and Mr. Ashar Mustafa, learned counsel for the

informant. The State is represented by Mr. Khurshid Anwar,

learned APP.

The petitioner seeks bail in anticipation of his

arrest in connection with Pupri P.S. Case No. 110 of 2020

instituted for the offences under Sections 341, 323, 504,

307, 447 and 34 of the Indian Penal Code and Section 27 of

the Arms Act.

The accusation in the F.I.R. is that the petitioner

assaulted his cousin, namely, Md. Saukat but on the

intervention of local persons, he left the place of occurrence



and went back to his home. Later, at his instance, his family members assaulted Md. Saukat and also entered in the house of the informant and all of them are alleged to have assaulted the members of the prosecution party by means of fists and slaps. One Md. Nizam is said to have opened fire which hit the informant in his navel.

Learned counsel for the petitioner has submitted that the F.I.R. discloses offence at two points. In the first instance, the petitioner is said to have assaulted Md. Saukat by means of sharp cutting weapon and thereafter the parties were made to calm down. Later, as a retaliation, some of the other accused persons of this case assaulted Md. Saukat and the informant who also is a cousin of Md. Saukat.

The informant has received multiple injuries caused by gunshot which is attributable to one Md. Nizam.

The learned counsel for the petitioner has further submitted that there is a reason for falsely implicating the petitioner. The house of the petitioner is by the side of a mosque and he, on many occasions, had some differences with Md. Saukat. On this particular occasion, there was some dispute over the free flow of the traffic with a third



party but the dispute galvanized into one between the two cousins.

Be that as it may, learned counsel for the informant submits that according to his information, Md. Saukat has received injuries but the same is not borne out by the records. Apart from this, it has been submitted that the entire occurrence was orchestrated at the instance of the petitioner and, therefore, he does not deserve anticipatory bail.

Learned counsel for the informant has also drawn the attention of this Court to the order passed by this Court in which one of the accused persons has been refused anticipatory bail. Learned counsel for the informant has also submitted that when a different Bench of this Court granted bail to two of the other accused persons, the rejection order of one of the accused persons by a Coordinate bench, was not brought to the notice of that Court.

Considering the fact that the dispute arose out of a petty difference between two cousins who are also neighbours and that offence committed does not have the potency of disturbing the even tempo of life and that the gunshot injury is not attributable to the petitioner, this Court



is inclined to grant anticipatory bail to him.

For the reasons afore-stated, the petitioner, above named, is directed to be released on bail, in the event of his arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Sub Divisional Judicial Magistrate, Sitamarhi, in connection with Pupri P.S. Case No. 110 of 2020, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

However, it is cautioned that if the petitioner makes an attempt to tamper with the evidence or intimidate the informant or delays the process of trial, the anticipatory bail granted to the petitioner would be rendered liable to be cancelled.

(Ashutosh Kumar, J)

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