

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3632 of 2021**

Arising Out of PS. Case No.-209 Year-2020 Thana- AANDAR District- Siwan

MD. AZAHARUDDIN ALI @ AZAHARUDDIN S/o SHAMSHAD MIYA
@ MD. SHAMSHAD MIYA R/o VILLAGE-GAY GHAT, P.S.-ANDAR,
DISTRICT-SIWAN.

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Satyendra Rai, Advocate
For the Respondent/s	:	Mr. Sadanand Paswan, APP
For the Informant	:	Mr. Ramchandra Sahni, Advocate

**CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER**

4 27-09-2021

Heard learned counsel for the parties.

The instant appeal has been preferred against the order dated 14.7.2021 passed by the learned Additional Sessions Judge I-cum-Special Judge, Siwan whereby the prayer for bail of the appellant in connection with Andar P.S. Case no. 209 of 2020 registered under sections 341,323,386,504,506,307 and 34 of the Indian Penal Code, section 27 of the Arms Act and sections 3(1)(r)(s) of the SC and ST (POA) Act was rejected.

As per the prosecution case the five named accused persons including the appellant herein are stated to have come variously armed. It is stated that while Tais Ali is stated to have fired with a country made pistol on the informant Kanhaiya Sah, Md. Azaharuddin Ali fired with a country made 'katta' on Jitendra Sah. Other accused persons are also alleged to have fired.

It is submitted by learned counsel for the appellant that the appellant has been falsely implicated in the case. No



occurrence as alleged has taken place. The allegations are general and omnibus in nature. The appellant is in custody since 13.12.2020 and investigation in the case has concluded.

The appeal is opposed by learned Spl. PP appearing for the State and learned counsel for the informant. It is submitted by learned counsel for the informant that not only the appellant is named in the FIR, but there is direct allegation of overt act against him. It is not a case for grant of bail.

Having heard learned counsel for the parties and taking into consideration there being direct allegation against the appellant of having fired on Jitendra Sah with a country made katta resulting in grievous injury as per the injury report available in the case diary, the Court is not inclined to enlarge the appellant on bail and the appeal is rejected.

In the facts of the case, the appellant will be at liberty to renew his prayer for bail after six months.

(Partha Sarthy, J)

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