

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.41065 of 2020**

Arising Out of PS. Case No.-139 Year-2020 Thana- KHAJEKALA District- Patna

Md. Anjum S/o- Md. Hasnain R/o- Shisha Ka Sipal, Noon Ka Chauraha, P.S.-  
Khajekala, District- Patna. ... .. Petitioner/s

Versus

The State of Bihar ... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. N.K. Agrawal, Sr. Advocate  
Mr. Arvind Kumar Pradhan, Advocate  
For the Opposite Party/s : Dr. Indihar Kumari, APP

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

4      05-04-2021                      Heard learned senior counsel for the petitioner and  
learned APP for the State.

The petitioner has filed the instant application for grant of regular bail in connection with Khajekala P.S. Case no. 139 of 2020 registered under sections 302, 188, 269, 270, 271 and 34 of the Indian Penal Code and section 27 of the Arms Act.

As per allegation in the FIR, it is stated by the informant that as a result of altercation between the accused persons and the members of his family, Md. Anjum and Md. Chand started to fire from the terrace of their house. It is stated that as a result of firing by Md. Chand, the brother of the informant sustained firearm injury as a result of which he fell down injured and subsequently died in course of treatment.

It is submitted by learned senior counsel appearing for the petitioner that from the FIR itself it would transpire that it is the firing of Md. Chand which is stated to be the cause of firearm injury on the brother of the informant. Further, from the



postmortem report, only one injury has been found due to firearm, which even as per the FIR cannot be attributed to the petitioner. The petitioner is in custody since 22.4.2020 and has no criminal antecedent.

The application for bail is opposed by learned APP for the State.

Having heard learned counsel for the parties and taking into consideration the submissions made on behalf of the petitioner together with the contents of the material that has transpired in course of investigation that it was the firing of Md. Chand and not that of the petitioner herein which resulted in the injury leading to death of the brother of the informant, the Court is inclined to enlarge the petitioner on bail. The petitioner is directed to be enlarged on bail in connection with Khajekala P.S. Case no. 139 of 2020 on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate, Patna City.

**(Partha Sarthy, J)**

Prakash/-

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