

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9808 of 2022

Arising Out of PS. Case No.-199 Year-2021 Thana- BALRAMPUR District- Katihar

NOOR SANWAR @ SUNNY Son of Late Md. Salim Resident of Village -
Malikpur, P.s.- Balrampur, Distt.- Katihar.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md. Helal Ahmad, Advocate
For the Opposite Party/s : Ms. Madhuri Lata, APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 18-04-2022 Heard Mr. Md. Helal Ahmad, learned Advocate for
the petitioner and Ms. Madhuri Lata, learned APP.

The petitioner seeks bail in anticipation of his arrest in connection with Balrampur P.S. Case No. 199 of 2021 dated 23.12.2021 instituted for the offences under Sections 307, 120(B) and 34 of the Indian Penal Code and under Section 27 of the Arms Act.

The FIR has been lodged by the sister of the injured who had disclosed to her, while on way to the hospital, that one Mohib Akhtar @ Moulvi had fired at him which hit him in his abdomen. The injured is also said to have told the informant that many people of the Panchayat wanted to kill him because of past enmity. While naming those persons who were behind the occurrence, the petitioner was also named by the victim before



his sister (the informant) when he was in an injured condition.

Mr. Md. Helal Ahmad, learned Advocate for the petitioner has submitted that the accusation is absolutely false. In fact, there is a specific accusation of firing at the injured by one Mohib Akhtar @ Moulvi. When the victim was interrogated, he is said to have made a categorical statement that Mohib Akhtar @ Moulvi had fired at him whereas two other persons who have been named by the victim, were helping him in this act of assault. Later, the victim is said to have stated that in the past also, because of political dispute, Mohib Akhtar @ Moulvi and his associates including the petitioner had been troubling him.

Learned counsel for the petitioner has submitted that he was made accused on three occasions but in all such cases, the petitioner has been granted anticipatory bail, the reference of which has been given in paragraph-3 of the bail petition. He has further submitted that during the course of investigation, even the presence of the petitioner at the place where the occurrence had taken place could not be established even with the aid of the tower location in the CDR.

Apart from this, it has been submitted that earlier the petitioner was made accused in a case under Section 302 IPC by



the associates of the victim but considering the vagueness of the allegation, he was granted anticipatory bail by a Bench of this Court.

Regard being had to the aforestated facts and taking into account that the petitioner has not been named as the person who was present at the time when the informant was hit by a gun-shot by Mohib Akhtar @ Moulvi, the petitioner is directed to be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, on his furnishing bail bonds in the sum of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-VI, Katihar in connection with Balrampur P.S. Case No. 199 of 2021, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Ashutosh Kumar, J)

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