

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20277 of 2022

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

MASOOD OBEYSI @ MD. MASWOOD ALAM Son of Abdul Matin
Resident of village - Siharaul, P.S.- Baliya Belon, District - Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajendra Prasad Sah, Advocate
For the Opposite Party/s : Mr. Rabindra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 01-11-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 307, 120(B) and 34 of the Indian Penal Code read with Section 27 of the Arms Act.

Learned counsel for the petitioner submits that the petitioner is a person with clean antecedent and the informant alleges that she came to know that her brother was shot and was taken to Telta PHC, accordingly she reached the PHC from where the victim was referred to Purnia for better treatment, it is next alleged that on the way to hospital at Purnia, the victim disclosed that while he was near the bridge, he was intercepted by three motorcycle borne criminals and Moheen Akhtar @



Mozim shot him and even fired the second shot but the driver straightaway drove him to the PHC, it is also alleged that on account of enmity due to *Panchayat* election, the accused persons wanted to eliminate him, it is further alleged that seven accused persons, including the petitioner, helped Mozim come out of jail under conspiracy for committing the occurrence.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case, it is next submitted that it absolutely does not stand to reason that if the victim was in a position to talk then why his statement was not recorded at the PHC, it is also submitted that the FIR also does not disclose that the victim disclosed what has been alleged in the FIR by the informant in presence of any witness. Learned counsel submits that even presuming what has been alleged is true, without admitting for the purposes of anticipatory bail, then the allegation against the petitioner hinges around suspicion that he along with other helped Mozim come out of jail for committing the occurrence, it is also submitted that it absolutely does not stand to reason that on what basis the said allegation has been alleged when admittedly the petitioner was not present at the place of occurrence, it is further submitted that the victim died on way to hospital which amply demonstrates



that he was not in a position to talk as such it appears that the informant based on suspicion instituted the present FIR.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Balrampur P.S. Case No. 199 of 2021 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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