

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30111 of 2021

Arising Out of PS. Case No.-621 Year-2020 Thana- MAJHAULIA District- West Champaran

ATIKUR RAHMAN S/o Jakir Hussain R/o village- Barhaiya Tola, Ward No. 05, P.S.- Majhauria, District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Umesh Chandra Verma

For the Opposite Party/s : Mr.Tapeshwar Sharma

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 03-01-2022 Heard the parties.

Learned counsel for the petitioner is directed to remove the defects as pointed out by the office within a period of four weeks. In the eventuality of non-removal of defects within the stipulated time, office will place the matter before the Bench.

The petitioner apprehends his arrest in a case in connection with Majhauria P.S. Case No.621 of 2020, registered for the offence punishable under Sections 341, 307, 504, 506/34 of the Indian Penal Code and section 27 of the Arms Act.

The crux of the prosecution case is that father of the petitioner has fired upon the elder brother of the informant. It is alleged that the petitioner and his father used to commit *marpit* with the informant's side, as they wanted to oust his



sister-in-law from the house. On search, an empty and a live cartridge were recovered from the room of the petitioner's father.

It is submitted by learned counsel for the petitioner that petitioner is quite innocent and has committed no offence. He has been falsely implicated in this case due to a pity family dispute amongst own father and brothers. The allegation leveled against the petitioner is not specific rather general and omnibus in nature. Petitioner is full brother of the informant and the specific allegation of firing is made upon the father of informant and the petitioner. Nobody has sustained any injury. No incriminating article has been recovered from the conscious physical possession of the petitioner rather the cartridges have been recovered from the room of the petitioner's father. Petitioner has no criminal antecedent, as also mentioned in para-3 of the anticipatory bail application.

Learned APP for the State opposed the prayer for bail.

Having regard to the facts and circumstances of the case, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five 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 Majhaulia P.S. Case No.621 of 2020, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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