

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30488 of 2022**

Arising Out of PS. Case No.-474 Year-2021 Thana- SIWAN MUFFASIL District- Siwan

JHAM MIAN @ ALLIMULLAH @ MOHAMMAD ALIMULLAH S/o Md.
Safiullah R/o village- Mirapur, P.S.- Siwan Mufassil, District- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Bijay Prakash Singh, Advocate
For the Opposite Party/s :	Mr. Sanjay Kumar Singh, APP
For the Informant/s :	Mr. Jagjit Roshan, Advocate
	Md. Danish Quamar, Advocate
	Mr. Amit Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 19-12-2022 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 326, 307 and 34 of the Indian Penal Code read with Section 27 of the Arms Act.

Learned counsel for the petitioner submits that petitioner is a person with clean antecedent and the informant on basis of suspicion alleges that since he was not supporting the petitioner in election, as such petitioner got him shot through unknown criminals.

Learned counsel for the petitioner submits that



petitioner has been falsely implicated in the present case at the instance of the informant on behest of his opponent, learned counsel for the petitioner next submits that it absolutely does not stand to reason that as to why the petitioner would have got the informant shot and that too by unknown criminals when informant was not a threat to election nor he was contesting against him, it is next submitted that it appears that opponent of petitioner with the help of informant has tried to get him implicated, it is also submitted that if the petitioner intended to eliminate the informant then he would not have been shot on non-vital part of his body. It is next submitted that at the cost of repetition that petitioner is a person with clean antecedent and during the course of investigation also no material has come to connect the petitioner with the offence, though at Para-29 of the case diary the injury of the injured has been recorded as he had received gun-shot injury on his arm i.e., non-vital part of the body, it is further submitted that the entire allegation hinges around suspicion.

Learned A.P.P. for the State and the learned counsel for the informant oppose the prayer for anticipatory bail of the petitioner and the learned counsel for the informant submits that on account of previous enmity and the fact that injury report



corroborates the case of the prosecution as such the benefit of anticipatory bail should not be granted to the petitioner, but then is not able to meet the submission of the learned counsel for the petitioner that the entire allegation hinges around suspicion and no material during the course of investigation in the case diary has come to connect the petitioner with the offence.

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 trial court 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 trial court where the case is pending/successor court in connection with Siwan Mufassil P.S. Case No. 474 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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