

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35406 of 2022

Arising Out of PS. Case No.-195 Year-2021 Thana- CHOUTARWA District- West
Champaran

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1. Naushad Ansari @ Lakadu S/O- Soyeb Ansari Resident Of Village- Kolhua Chautarwa, P.S.- Chautarwa, Dist- West Champaran.
 2. Meraj Khan S/O Abdul Hassan Resident Of Village- Kolhua Chautarwa, P.S.- Chautarwa, Dist- West Champaran.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gauri Shankar Thakur, Advocate

For the Opposite Party/s : Mr. Dr.Mrityunjaya Kr.Gautam, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH

ORAL ORDER

2 21-09-2022 The learned counsel for the petitioners is directed to remove all the defects pointed out by the Stamp Reporter within one month.

Heard learned counsel for the petitioners and the learned APP for the State.

Petitioners seek regular bail in connection with Chautarwa P.S. Case No.195 of 2021 registered for the offences punishable under Sections 341, 307 and 34 of the Indian Penal Code and Section 27 of the Arms Act.

As per the allegation both the petitioners and co-accused persons stopped the informant when he was returning to home and thereafter the petitioner Meraj Khan opened fire-arm



at the informant and caused fire-arm injury at the elbow of left arm of the informant and thereafter the petitioner Naushad Ansari also fired at the informant but that firing went missed and thereafter the accused persons including the petitioners fled away when the informant raised a cry.

The main submissions advanced by the learned counsel Mr. Gauri Shankar Thakur for the petitioners are that the petitioners have been languishing in jail since 16.09.2021 and as per the injury report the informant did not sustain injury at the vital part of his body and the alleged firing committed by petitioner Naushad Ansari went missed, hence against the said petitioner there is no allegation of causing fire-arm injury to the informant.

Learned APP Dr.Mrityunjaya Kr.Gautam appearing for the State has opposed the bail prayer.

Heard both the sides and perused the FIR and the order of learned Court below. There is a specific allegation against the petitioner Meraj Khan who allegedly caused fire-arm injury at the elbow of left arm of the informant and the said allegation gets corroboration from the injury report of the informant as it has been mentioned in the order of learned court below that the informant sustained bullet injury at his elbow.



Considering the nature of allegation appearing against the petitioner Meraj Khan, he does not deserve to the privilege of bail. Accordingly, his bail prayer stands rejected.

So far as prayer of Petitioner No.1 Naushad Ansari is concerned, as on account of his firing the informant did not sustain any injury and the firing committed by this petitioner went missed, so in view of this fact as well as considering his custody period, in the opinion of this Court a lenient approach can be taken in respect of the petitioner's prayer, let the petitioner be released on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the concerned Court in connection with Chautarwa P.S. Case No.195 of 2021.

(Shailendra Singh, J.)

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