

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35842 of 2022

Arising Out of PS. Case No.-70 Year-2022 Thana- BARHARIA District- Siwan

IRSHAD ALAM Son of Hamid Husain Resident of Village - Lakari Tola,
P.S.- Barharia, District - Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prabhakar Singh, Advocate

For the Opposite Party/s : Mr. Anand Mohan Prasad Mehta, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 29-11-2022 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 341, 504, 323, 307 and 34 of the Indian Penal Code and Section 27 of the Arms Act.

The informant alleges that on 12.02.2022 at about 5:00 pm, when her husband was coming home and was near Dusad Tola pond when the accused persons including the petitioner surrounded her husband and started abusing him and when he protested all the accused persons assaulted him with legs and fists, thereafter, it is alleged that this petitioner shot the husband of the informant on his back and he fell down and presuming to be dead the accused persons fled away from the



place of occurrence, thereafter, with the help of local villagers the informant's husband was admitted to the hospital.

Learned counsel for the petitioner submits that the petitioner is a person with clean antecedent and has been falsely implicated in the present case, it is next submitted that no doubt it is alleged that it was this petitioner who shot the husband of the informant and he fell but then informant is not an eye witness to the occurrence nor the FIR even remotely suggest that it was the husband who had disclosed to the informant that he was shot by the petitioner, it is further submitted that initially when the injured was treated in the hospital the doctor found the injury to be caused by hard and blunt substance but at a belated stage another injury report came which recorded that there was a firearm injury. Learned counsel thus submits that initially when the husband of the informant was treated in the hospital and the injury was found to be caused by hard and blunt substance then the subsequent injury report and that too at a belated stage recorded that the injury was firearm injury definitely cast aspersion on the veracity of the allegation as alleged in the 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 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 Barhariya P.S. Case No. 70 of 2022 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

Further, the learned trial Court before accepting the bail bonds of the petitioner will verify whether the initial injury report recorded that the injury to the husband of the informant was caused by hard and blunt substance and in the event if it is found that the initial injury report does not record the said fact then the present anticipatory bail order shall not be acted upon.

(Satyavrat Verma, J)

GauravSinha/-

U		T	
---	--	---	--

