

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37292 of 2022

Arising Out of PS. Case No.-2 Year-2022 Thana- ARIYARI District- Sheikhpura

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1. MD. SHAHID IBRAHIM @ MD. SHAHID IBRAHIMI Son of Kalimuddin Resident of Village and P.S.-Ariyari, District-Sheikhpura.
 2. Md. Makdoom Ibrahim Son of Md. Kalimuddin Resident of Village and P.S.-Ariyari, District-Sheikhpura.
 3. Md. Kalimuddin Son of Late Md. Ibrahim Khan Resident of Village and P.S.-Ariyari, District-Sheikhpura.
 4. Mustafa Khan Son of Late Kadir Khan @ Kabir Khan Resident of Village and P.S.-Ariyari, District-Sheikhpura.
 5. Ekramul Haque Son of Late Kadir Khan @ Kabir Khan Resident of Village and P.S.-Ariyari, District-Sheikhpura.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Sanjeev Kumar, Advocate
For the Opposite Party/s :	Ms. Asha Devi
	Mr. Dinkar Kumar
	Mr. Ajit Kumar
	Mr. Sanjeev Kumar

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 22-09-2022 Heard learned counsel for the petitioners, learned counsel for the informant and learned A.P.P. for the State.

Learned counsel for the petitioners seeks permission to withdraw the present anticipatory bail application with respect to petitioner no. 1.

Permission is accorded.

The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 147, 148,



149, 341, 307, 506 and 504 of the Indian Penal Code and Section 27 of Arms Act.

Learned counsel for the petitioners submits that petitioner no. 2 has antecedent of three cases, petitioner no. 3 has antecedent of five cases, petitioner no. 4 is a person with clean antecedent and petitioner no. 5 has antecedent of four cases and the informant alleges that on 30.12.2021 at about 3:30 PM, survey was conducted near a petrol pump where a number of villagers had gathered and all the villagers were trying to get their names entered in the survey record, it is next alleged that he along with his elder brother was also trying to get their names entered in the survey record, when the accused persons, including the petitioners, came variously armed and thereafter it is alleged that Md. Shahid Ibrahim and Md. Makdoom Ibrahim repeatedly opened fire with an intention to kill but the informant and his brother were saved.

Learned counsel for the petitioners submits that from bare perusal of allegation as alleged in the FIR, it would manifest that the allegation against the accused persons are that they came where survey was going on and all of a sudden they started firing with an intention to kill the informant and his brother but both of them were saved that amply demonstrates



that no such occurrence as alleged had taken place, it is next alleged that since no firing was made at the place of occurrence, as such no seizure of empty cartridges from the place of occurrence was also found, it is next submitted that it absolutely does not stand to reason that where villagers in large number had gathered for getting their names entered in the survey record, why the petitioners would have come and committed an occurrence and thus would have created evidence against themselves.

Learned A.P.P. for the State and the learned counsel for the informant oppose the prayer for anticipatory bail of the petitioners, but are not able to meet the submission of the learned counsel for the petitioners that no injury was caused either to the informant or to his brother by firearm.

Considering the submissions made by the learned counsel for the petitioners, the petitioner nos. 2, 3, 4 and 5, in the event of their 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) each 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 Ariyari



P.S. Case No. 02 of 2022 subject to the conditions as laid down
under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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