

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43425 of 2022

Arising Out of PS. Case No.-16 Year-2022 Thana- PUPRI District- Sitamarhi

MD. SHAMIM S/O MD. SAFI @ MD. SHAFI AHMAD R/O VILLAGE-
AWAPUR, P.S.- PUPRI, DISTRICT- SITAMARHI

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ashish Kumar Ranjan, Advocate
For the Opposite Party/s	:	Mr. Jai Narain Thakur, APP
For the Informant	:	Mr. Dinesh Jha, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 06-09-2022 Heard learned counsel for the petitioner, the informant
and learned A.P.P. for the State.

Let the defect(s), if any, be removed within a period
of four weeks.

The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 147, 148,
149, 341, 323, 307, 302/34, 324 of the Indian Penal Code and
27 of the Arms Act.

Learned counsel for the petitioner submits that
petitioner has antecedent of 2 cases but both the cases were
instituted against him from the side of the present informant.

Learned counsel at the outset submits that petitioner is
son of Md. Safi @ Md. Shafi Ahmad and is alleged to have been
carrying a knife and accused Samim Faiz is son of Asoor



Ahmad who is also alleged to have been carrying a knife, thereafter another accused Md. Sami who is also son of Md. Safi was carrying a lathi in his hand and Md. Shamim and Md. Sami are own brothers. Learned counsel next submits that the informant has instituted the present FIR against 19 named accused persons including the petitioner alleging that on account of electoral defeat of erstwhile Md. Mahfooz Alam and sister-in-law of Md. Abdulla in last Panchayat election, the present occurrence took place. It is alleged that the accused persons came at the door of the informant variously armed and assaulted the informant and injured him. It is alleged that accused persons were searching the brother of the informant, who was caught and on order of Md. Mahfooz Alam, the accused Md. Afroz inflicted knife blow on his stomach, Shamim Faiz assaulted by knife on his head thereafter Md. Shami and Md. Varis assaulted by lathi on his head causing injury and Md. Wazid resorted to firing and Md. Abdulla thereafter inflicted knife blow on the brother of the informant on his stomach. It is further alleged that thereafter the named accused persons excluding the petitioner brought kerosene oil to burn the body of the deceased for wiping out the evidence but on account of intervention of the villagers they were saved and the accused fled away.



Learned counsel for the petitioner submits that from bare perusal of the allegation as alleged in the FIR, it would manifest that the informant has roped 19 accused persons in the present case on account of dispute relating to Panchayat election and the allegation of assault is specific. He further submits that no doubt, the informant alleges that this petitioner was also carrying knife but from the allegation as alleged with regard to the assault on his brother, it would manifest that this petitioner is not alleged to have assaulted him with knife, rather it was Shamim Faiz who assaulted him by knife on his head. He further submits that allegation of assault is on Md. Sami of assaulting the brother of the informant by lathi who is own brother of the present petitioner. Learned counsel, thus, submits that as far as this petitioner is concerned he is only alleged to have been carrying a knife though there is no specific allegation of assault against him. Learned counsel further submits that it absolutely does not stand to reason that when accused in such large number came variously armed how is it possible for any person including the informant to allege with such precision and certainty that which accused assaulted by which weapon and where and which accused was carrying what weapon, this also creates doubt with regard to the veracity of the allegations.



Learned APP for the State and learned counsel for the informant opposed the anticipatory bail application but are not able to meet the submission of the learned counsel for the petitioner that this petitioner though alleged to have carrying a knife but in the FIR there is no specific overt act has been alleged against 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 Court below 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 court below where the case is pending/successor court in connection with Pupri P.S. Case No. 16 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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