

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.44244 of 2022**

Arising Out of PS. Case No.-746 Year-2020 Thana- MAJHAULIA District- West Champaran

Ali Asgar @ Sheikh Ali Asgar Son Of Late Hassan Imam R/O Village-  
Bhogadi, P.S.- Majhaulia, District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Priyanka Singh  
For the Opposite Party/s : Mr. Nirmala Kumari

**CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR**  
**ORAL ORDER**

3      16-11-2022                      Heard learned counsel for the petitioner,  
  
informant and learned APP for the State.

The petitioner is apprehending his arrest in a case registered for the offences punishable under Sections 147, 148, 149, 447, 341, 323, 324, 337, 338, 307, 427, 504, 506 of the Indian Penal Code and Section 27 of the Arms Act.

It appears that earlier, the petition with respect to the petitioner was permitted to be withdrawn vide order dated 28.02.2022 passed in Cr. Misc. No. 27331 of 2021.

The prosecution case as per F.I.R is that the



petitioner and other accused persons along with 15-20 unknown variously armed with deadly weapons came at the door of the informant and started removing his pipe of water and on protest they assaulted the informant and other members by means of farsa, iron rod and lathi as a result of which, they sustained injuries. It is also alleged that this petitioner opened fire, as a result of which, cousin brother of the informant sustained firearm injuries.

It is submitted by learned counsel for the petitioner that in the background of some previous dispute, the present F.I.R has been registered. There is counter version of the occurrence also and petitioner's side also sustained injuries. There is no accusation of repeating the blow.

*In contra*, learned APP appearing on behalf of the State and learned counsel for the informant have vehemently opposed the prayer for anticipatory bail of the petitioner and submitted that there is specific



accusation of shot firing against the petitioner, as a result of which the cousin brother of the informant sustained firearm injuries. The aforesaid fact has also been corroborated with the injury report which has been mentioned in para 67 of the case diary. The independent witnesses have also supported the case of the prosecution as against the petitioner.

Considering the fact that there is direct allegation against the petitioner to have shot fire, as a result of which cousin brother of the informant sustained injuries, this Court is not inclined to grant privilege of anticipatory bail to the petitioner.

The prayer for grant of anticipatory bail stands rejected.

**(Sunil Kumar Panwar, J)**

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