

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62871 of 2021**

Arising Out of PS. Case No.-43 Year-2021 Thana- CIVIL LINE District- Gaya

SARWAR KHAN @ GHULAM SARWAR KHAN Son of Nasruddin Khan
Resident of Village- Karmouni, P.S.- Dbhi, District- Gaya.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. P.K.Shahi, Sr.Advocate Mr.Sanjay Kumar Sharma,Advocate
For the Opposite Party/s :	Mr.Manindra Kishore Singh,Advocate Mr. Addl. Public Prosecutor

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

2 11-07-2022 Heard learned counsel for the parties.

The petitioner apprehends his arrest in Civil Line P.S.
Case No. 43/2021, registered for the offence under Sections
307, 506 & 120(B) of the Indian Penal Code and Section 27 of
the Arms Act.

As per the F.I.R., on 18.01.2021 at about 8:30 PM,
while the informant reached near his home, two persons fired
upon the informant, which hit him and he fell down and
thereafter, he ran towards the railway track, where four other
accused persons, who were already standing there, started firing
upon him, as a result of which, he received three fire-arm injury
and in the light of engine, the informant could identify petitioner
and one co-accused Anwar Khan.



It is submitted on behalf of petitioner that petitioner has been falsely implicated in this case and as per F.I.R., there is no allegation of firing against this petitioner. Moreover, petitioner has been made accused in this case, due to the fact that earlier, mother of the petitioner had filed a case against informant and his family members, vide Sherghati P.S. Case No. 589 of 2020.

However, learned counsel for the informant vehemently opposed the prayer for anticipatory bail and submitted that petitioner is one of the shooter, identified by the informant, and has got one criminal antecedent.

Considering the aforesaid facts and circumstances as well as the fact that petitioner has been identified by the informant and he has got criminal antecedent also, the prayer for anticipatory bail of petitioner is rejected.

(Prabhat Kumar Singh, J)

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