

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10000 of 2021

Arising Out of PS. Case No.-520 Year-2020 Thana- SAHARSA SADAR District- Saharsa

Dilnawaj @ Md. Dilnawaj Alam @ Dilnawaj Miya, male, aged about 35 years, S/o Md. Nayeem Uddin, Resident of Village - Ghonghepur, P.S. - Mahishi, District - Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Diwakar Prasad Singh, Adv.

For the Opposite Party/s : Mr. APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 21-02-2022 Heard the counsel for the parties.

The petitioner seeks bail in anticipation of his arrest in connection with Saharsa Sadar P.S. Case No. 520 of 2020, dated 03.07.2020, instituted for the offences under Sections 147, 148, 149, 341, 323, 307, 379, 504, 506 and 120-B of the Indian Penal Code and Section 27 of the Arms Act.

The petitioner is not attributed with the act of firing. In fact, the act of firing is attributed to one Bhanu Mishra.

The petitioner can at best, it has been argued, be called a member of the mob. It has further been submitted



that the informant/victim got himself examined in a private hospital and on the basis of the report given by such hospital, the injury has been assessed to be grievous.

Be that as it may, considering the fact that the informant has received gunshot injury which has been reported to be grievous, I am not inclined to grant anticipatory bail to the petitioner, notwithstanding the fact that he does not have criminal antecedents.

The prayer for grant of anticipatory bail to the petitioner is, accordingly, rejected.

However, if he surrenders before the Court below and seeks bail, the Court below, after taking into account that no overt act has been attributed against him, shall pass orders in accordance with law, without being prejudiced by the fact that the present anticipatory bail application has not been entertained by this Court.

The application stands dismissed.

(Ashutosh Kumar, J)

Praveen-II/-

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