

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67199 of 2021**

Arising Out of PS. Case No.-231 Year-2021 Thana- SUGAULI District- East Champaran

1. NOOR ALAM @ NUR ALAM Son of Nasaruddin Ansari Resident of Village - Uttari Bucha, Police Station - Sugauli, District - East Champaran at Motihari.
2. Bhola Ansari Son of Jamaluddin Ansari Resident of Village - Uttari Bucha, Police Station - Sugauli, District - East Champaran at Motihari.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Zainul Abedin, Advocate

For the Opposite Party/s : Mr.Nawal Kishore Prasad, APP

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER**

2 21-07-2022 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 147, 148, 149, 341, 323, 307, 504 and 506 of the Indian Penal Code read with Section 27 of the Arms Act.

Learned counsel for the petitioners submits that the petitioners are persons with clean antecedent and the informant alleges that on 01.06.2021 at 5:45 AM, the named accused persons, including the petitioners, came armed with unlicensed gun and rifle and fired on Matiullah Ansari causing injury in his stomach, it is next alleged that informant saw Hussain Ansari, Jamaluddin Ansari and Sadre Alam carrying a rifle, thereafter the injured was brought to the Rahmania hospital for treatment.



Learned counsel for the petitioners submits that from bare perusal of the allegation as alleged in the F.I.R. it would manifest that no specific overt act has been alleged against the petitioners, it is next submitted that even the informant in the F.I.R. has very clearly stated that three persons were seen carrying rifle and since the petitioners were not carrying any weapon, as such it cannot be alleged that petitioner also committed the occurrence of firing.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

Considering the submissions made by the learned counsel for the petitioners, the petitioners above-named, in the event of their 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) each 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 Sugauli P.S. Case No. 231 of 2021 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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