

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16400 of 2023

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

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1. Haider Ali S/O Asrarul Haque R/O Village- Bhogadi, P.S.- Majhaulia, Distt- West Champaran.
 2. Fakiuddin @ Faquiddin @ Pappu S/o Badrul Hassan R/o Village- Bhogadi, P.S.- Majhaulia, Distt- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Abhishek Kumar
For the Informant	:	Mr. Ram Adhya Singh
For the State	:	Ms. Gulnar Begum

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 22-03-2023 Heard learned counsel for the petitioners,

informant and learned APP for the State.

The petitioners are apprehending their 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to the petitioners was permitted to be withdrawn vide

order dated 28.02.2022 passed in Cr. Misc. No. 28029

of 2021.



The prosecution case as per F.I.R is that the petitioners 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 specifically alleged against the petitioners that they made assault and opened fire, as a result of which, cousin brother of the informant sustained firearm injuries.

It is submitted by learned counsel for the petitioners 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 petitioners' 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 petitioners and submitted that there is specific accusation of shot firing against the petitioners, 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 petitioners.

Considering the fact that there is direct allegation against the petitioners 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 petitioners.

The prayer for grant of anticipatory bail stands rejected.

(Sunil Kumar Panwar, J)

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