

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15926 of 2023

Arising Out of PS. Case No.-697 Year-2022 Thana- NAUTAN District- West Champaran

SHISHIR DUBEY @ SHISHIR KUMAR DUBEY, S/O Late Sitaram Dubey,
R/O Village- Baikunthawa, P.S- Nautan, District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Mr. Brij Kishor Mishra, Advocate
For the State	:	Mr. Sanjay Kumar Tiwary, APP
For the Informant	:	Mr. Binod Kumar, Advocate
		Mr. Ram Kishan, Advocate

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 24-05-2023 Heard learned counsel for the petitioner and learned

APP for the State of Bihar as well as learned counsel for the

informant.

The petitioner is apprehending his arrest in connection
with Nautan (Jagdishpur) P.S. Case No. 697 of 2022 instituted
for offence under Sections 147, 148, 149, 341, 323, 325, 307,
327, 504 and 506 of Indian Penal Code and Section 27 of the
Arms Act.

As per prosecution case, there is allegation of
indiscriminate firing by accused persons including the petitioner
on the *Parcha* holders.

Learned counsel for the petitioner submits that the
persons who were on the land were not *Parcha* holders as their
Parchas had been canceled long back in the year 2002 itself. In



fact, they were in an illegitimate manner interfering with the petitioner's possession. The nature of injuries found in the course of investigation are simple as the pellet injuries have been sustained below the thighs by all the 5 injured persons. The petitioner has one antecedent, in which case he is on bail. It is also submitted that in a writ proceedings also there was a direction for not disturbing the petitioner's possession over the land.

Learned APP for the State as well as learned counsel for the informant have opposed the prayer for bail. It is submitted that the submission regarding the possession of the *Parcha* holders being illegal will not justify indiscriminate firing. The learned Additional Sessions Judge-IV, Bettiah, in the impugned order has considered the injury report, which has been noted in the investigation. 5 persons have sustained injuries which have been found to be caused by fire arm.

Considering the rival submissions, petitioner's antecedent, nature of fire arm injuries, this Court is not inclined to allow petitioner's prayer for grant of anticipatory bail.

Petitioner's prayer for anticipatory bail is rejected.

(Madhuresh Prasad, J)

shashank/-

U		T	
---	--	---	--

