

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23664 of 2023

Arising Out of PS. Case No.-168 Year-2022 Thana- JALALGARH District- Purnia

MD. SARWAR @ SARWAR ALAM @ MUKHIYA SARWAR Son of Late
Soyeb @ Soibur Rahman R/o Kohbara Adharg, P.S- Jalalgarh, Dist- Purnia

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. N.K. Agrawal, Sr. Adv

Mr. Md Fazle Karim, Adv

For the Opposite Party/s : Mr. Lalan Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 04-07-2023 Heard the parties.

The petitioner apprehends his arrest in a case registered for the offence punishable under Sections 143, 341, 323, 504 and 506 of the Indian Penal Code and Section 27 of Arms Act.

Allegedly, the petitioner and other co-accused persons abused the informant and on protest, the petitioner shot fired due to which stampede took place and the son of the petitioner collided with a pole and his head got injured. The accused persons assaulted the informant and one Sahuddin and injured them.

It is submitted by learned senior counsel for the petitioner that petitioner is quite innocent and has committed no offence. He has been falsely implicated in this case. No such occurrence, in the manner as alleged, has ever taken place. The allegation



levelled against the petitioner is not specific rather general and omnibus in nature. The petitioner is an elected *mukhiya* and the husband of the informant has rivalry with him. He further submits that the injuries are found to be of simple nature, which is clear from the impugned order itself. Petitioner has five criminal antecedent.

Learned APP for the State opposed the prayer for anticipatory bail.

Having regard to the facts and circumstances of the case as well as considering the nature of injury, let the above named petitioner, be released on bail, in the event of his/her arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) 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 Jalalgarh P.S. Case No.168 of 2022, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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