

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25014 of 2023

Arising Out of PS. Case No.-330 Year-2022 Thana- CHAND District- Kaimur (Bhabua)

ACHHE KHAN @ DIWAN ACHHE KHAN S/O LATE ALIM KHAN @
DIWAN ALIMUDDIN KHAN Resident of Village- Naughara, P.S.- Chainpur,
District- Kaimur at Bhabua.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Pawan Kumar Singh, Advocate
For the Opposite Party/s	:	Mr. Rajendra Nath Jha, A.P.P.
For the informant	:	Mr. Tribhuvan Narayan, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 19-07-2023 1. Heard learned counsel for the petitioner,

learned counsel for the informant and learned A.P.P. for the

State.

2. The petitioner apprehends his 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 and Sections 25(i-b)a, 26, 27 and 35 of the Arms Act.

3. The informant alleges that he along with his
brother was on way when the accused persons including the
petitioner armed with weapon intercepted the informant and
started hurling abuses on which the brother of the informant
objected thereafter on orders of this petitioner Fakaruddin



shot at the brother of the informant causing injury to him, thereafter it is alleged that this petitioner also fired at the informant but missed, thereafter on alarm the villagers rushed and the accused persons fled from the place of occurrence.

4. Learned counsel for the petitioner submits that the petitioner has antecedent of three cases out of which in two cases petitioner was acquitted. It is further submitted that the remaining case is of the year 2004 and has been falsely implicated in the present case, it is next submitted that he has been made an accused on the allegation that it was on his order that Fakaruddin shot causing injury to the brother of the informant. It is next submitted that it absolutely does not stand to reason that if the petitioner had ordered Fakaruddin to jump from 8th floor whether he would have jumped from 8th floor or not, it is further submitted that informant thereafter very wisely tried to implicate him by alleging that he also fired but missed. It is next submitted that admittedly there is no injury caused on account of firing of the petitioner. It is further submitted that petitioner is a senior citizen aged about 75 years and



since he is head of the family, as such, he has also been implicated in the present case.

5. Learned A.P.P. for the State and learned counsel for the informant opposed the prayer for anticipatory bail of the petitioner and submits that one Bolero was intercepted by the police from which arms were recovered and the accused persons fled for which Chand P.S. Case No. 331 of 2022 was instituted. It is next submitted that the said Bolero from which arms were recovered belongs to the petitioner.

6. The learned counsel for the petitioner rebuts the submissions and submits that it is not the case of the prosecution that petitioner was found running from the vehicle as the said FIR was instituted against unknown.

7. Considering the submissions made by the learned counsel for the petitioner and the fact that petitioner is a senior citizen aged about 75 years and no firearm injury is caused to the informant on the allegation that he fired, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten



Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Chand P.S. Case No. 330 of 2022 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

GauravSinha/-

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