

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.28785 of 2023**

Arising Out of PS. Case No.-70 Year-2022 Thana- BITHAN BAZAR District- Samastipur

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NASRUDDIN @ MD. NASHRUDDIN, SON OF MD. JUBAIR, R/O-  
BARAHI, P.S.-BITHAN, DISTT.-SAMASTIPUR

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Radha Mohan Singh, Advocate

For the Opposite Party/s : Mr. Uday Chand Prasad, APP

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**CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY**  
**ORAL ORDER**

2      12-07-2023

1. Heard learned counsel for the parties.

2. The petitioner has preferred this application for grant of anticipatory bail apprehending his arrest in connection with Bithan P.S. Case no. 70 of 2022 registered under sections 307, 147, 148, 149, 341, 323, 504 and 506 of the Indian Penal Code and section 27 of the Arms Act.

3. As per the prosecution case, the nine named accused persons including the petitioner herein are said to have come variously armed with country made pistol, *lathi* etc. It is stated that the petitioner with an intent to kill fired from his pistol but the shot misfired. Thereafter, the petitioner assaulted with the *butt* of the pistol on the head of the informant causing serious injuries. The informant was taken to the hospital for treatment.



4. It is submitted by learned counsel for the petitioner that the petitioner has been falsely implicated in the case. There is case and counter case between the parties. There is an unexplained delay of more than one month in lodging of the F.I.R. While the alleged occurrence is said to have taken place on 07.04.2022, the F.I.R was registered only on 08.05.2022. The counter case was lodged on 07.05.2022 for an occurrence which took place on the same date.

5. Heard learned A.P.P for the State.

6. Having heard learned counsel for the parties and taking into consideration the allegation against the petitioner in the F.I.R, wherein, he is said to have assaulted the informant with the *butt* of the country made pistol together with the contents of the injury report which finds mention in the order of the learned Sessions Judge, the Court is not inclined to enlarge the petitioner on anticipatory bail and the application is rejected.

**(Partha Sarthy, J)**

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