

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35265 of 2023

Arising Out of PS. Case No.-142 Year-2021 Thana- RUPAULI District- Purnia

Md Kousher s/o Late Fuchan @ Bouku r/o Bela Prasadi, Police Station
Rupauli, District Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Dr. Bidhu Ranjan, Advocate.

For the Opposite Party/s : Mr. Jharkhandi Upadhyay, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 25-07-2023 Heard Dr. Bidhu Ranjan, learned counsel for the
petitioner and learned APP for the State.

2. The Petitioner is apprehending his arrest in connection with Rupauli P.S. Case No.142 of 2021, registered for the offences punishable under Sections 447, 147, 148, 149, 302, 307, 504, 506 of the Indian Penal Code and Section 27 of the Arms Act.

3. Apart from the other allegation, allegedly, while the informant and his wife were in the field, in the meantime all the accused persons including the petitioner armed with deadly weapons came there and started abusing. It is further alleged that the petitioner fired upon the informant's brother, Md. Jehangir, which hit on his chest and subsequently he succumbed to the injury.



4. Learned counsel appearing on behalf of the petitioner submits that from the narration of the FIR it is evident that there is a land dispute resulting into scuffle between the parties and firing has taken place from both sides, which unfortunately hit to the brother of the informant, but only in order to pressurize, the name of the petitioner has been implicated. He next submits that initially the FIR was instituted under Section 307 later on after the death of the deceased Section 302 was added.

5. On the other hand learned APP for the State vehemently opposes the bail application.

6. Considering the nature of accusation and the fact that the petitioner is the author of the fatal injury, the anticipatory bail application of the petitioner stands rejected.

7. Accordingly, the present application stands dismissed.

(Harish Kumar, J)

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