

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45044 of 2023

Arising Out of PS. Case No.-163 Year-2023 Thana- BANKA District- Banka

Jiyaul Ansari Son of Alam Ansari, Resident of Village - Shasan, P.S.- Banka,
District - Banka.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Praveen Kumar, Adv.
For the Opposite Party/s :	Mr. Ajay Kumar Jha, APP.
For the Informant :	Mr. Md. Najmul Hodda, Adv.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 06-09-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State as well as learned counsel for the informant.

2. The petitioner seeks regular bail in connection with
Banka P.S. Case No. 163 of 2023 dated 19.03.2023, lodged
under Sections 341, 323, 307 of the Indian Penal Code read with
Section 27 of Arms Act.

3. As per prosecution case, the F.I.R. has been lodged
against the petitioner alleging that the petitioner by desi pistol in
his hand have fired on the head of the informant, by which the
informant injured and went to the primary hospital and then
referred to Bhagalpur Mayaganj Hospital.

4. Learned counsel for the petitioner submits that
petitioner is innocent and has not committed any offence. He
further submits that from the contents of F.I.R., it transpires that
the date of occurrence is 13.03.2023 but F.I.R. has been lodged
on 19.03.2023. He also submits that antecedent of petitioner is



clean, he is in custody since 24.03.2023 and charge sheet has already been filed in this case.

5. Learned counsel for the informant vehemently opposes the prayer for bail and submits that the fire was made with a view to kill and from the case diary, particularly from discharge slip it transpires that the bullet was stuck in the head which was subsequently taken out.

6. Learned counsel for the State also opposes the prayer for bail and submits that there is direct allegation but Section 302 of I.P.C. has not been added.

7. Upon specific query that whether charge has been framed or not, learned counsel for the petitioner submits that as per his knowledge, charge has not been framed in this case.

8. In the present facts and circumstances of this case and the submissions made above, I am not inclined to grant bail to the petitioner at present, therefore, his bail application stands rejected.

9. Liberty is hereby granted to the petitioner to renew his prayer for bail after framing of charge.

(Dr. Anshuman, J.)

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