

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45835 of 2022

Arising Out of PS. Case No.-31 Year-2022 Thana- JAMUI District- Jamui

MASLUDDIN MIAN @ MD. MASLEHUDDIN SON OF MOINUDDIN
R/O VILLAGE- SANGTHU, P.S.- JAMUI, DISTRICT- JAMUI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Binay Kumar,Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 02-01-2023 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner apprehends his arrest in connection with Jamui P.S. Case No. 31 of 2022 for the offence registered under Sections 147, 148, 149, 341, 323, 307, 153(A), 504 and 506 of the Indian Penal Code and Section 27 of the Arms Act.

As per the prosecution story, the accused persons including the petitioner herein surrounded the son of the informant and further allegation is that this petitioner twice opened fire which did not hit the informant's son whereafter he was beaten. This was also followed by pelting of stones and slogans were also raised vitiating the atmosphere. Accordingly, the FIR was lodged.

Learned counsel for the petitioner submits that the



present exaggerated FIR is a counter blast of Jamui P.S. Case No. 30 of 2022 lodged by the petitioner's side in which the firing made by the accused persons from the informant's side hit the chest of the present petitioner as also another person and they were taken to the Sadar Hospital and from there considering their injuries, they were referred to Patna Medical College Hospital, Patna.

He submits that a bare perusal of the FIR would show that in order to save their skin, this case was instituted upon them. It is his last submission that some of the co-accuseds have since been released on anticipatory bail by a co-ordinate Bench of this Court in Cr. Misc. No. 29657 of 2022 on 18.11.2022.

Let the said order be kept on record.

Taking into account the injury that has been inflicted upon the petitioner (Annexure 2 to the present petition), as also the fact that there is only an allegation of beating of the informant's son and as per the FIR, the firing did not cause any injury to the informant sides and further as per paragraph 3 of the petition, the petitioner has clean antecedent and lastly some of the co-accuseds have since been granted relief, this Court is also inclined to extend him in the same relief.

In the aforesaid circumstances, the petitioner in the



event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Jamui in connection with Jamui P.S. Case No. 31 of 2022 subject to condition as laid down under Section 438(2) of the Cr.P.C.

(Rajiv Roy, J)

Jagdish/Neha/-

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