

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59881 of 2022

Arising Out of PS. Case No.-1236 Year-2019 Thana- NAWADA District- Nawada

Md. Lal Khan S/O Md. Mustkeem Khan Resident Of Village- Bari
Dargahpur, P.S.- Town Nawada, District- Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Chandra Sen Prasad Singh, Advocate

For the Opposite Party/s : Mr. Umanath Mishra, A.P.P

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

3 06-02-2023 Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, if any, within
a period of three weeks from today.

Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The Petitioner is apprehending his arrest in a case
registered for the offences punishable u/s 147, 148, 149, 341,
323, 354A, 380 and 307 of the Indian Penal Code and Section
27 of the Arms Act.

As per the prosecution case, Md. Dollar teased the
sister of the informant. On complaint, family members of Md.
Dollar abused the informant and his father and compelled to
leave from there. On 17.10.2019 all F.I.R named accused



persons assaulted the informant and his father. Thereafter, to save their lives they went to their house, then accused persons entered into his house with *lathi*, *danda* and with *double barrel guns* and when his sister opposed to do so, all accused pushed her on the ground and snatched her *scarf* and assaulted her mother with slaps. On *halla*, when *mohalla* people assembled there then the petitioner fired on Md. Khurshid which hit on the stomach and head, due to which he fell on the ground. Md. Naso, Md. Babua Modi, Md. Shahid and Md. Shakid also made indiscriminate firing which hit to Sohail, Md. Shahil Bhatt, Md. Nazrul, Md. Shajad, Md. Moshin Bhatt, Md. Shanwaz Bhatt, Md. Guddu, Md. Jahangir, Md. Aawas, Md. Zafar and Sonu, which caused pellet injury. One Farhin Javvi who was standing at her *Portico* also sustained pellet injury during the course of occurrence. The accused persons also damaged the house of the informant and took golden chain from the neck of the informant and fled away.

Learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in this case. The petitioner also accused in one more criminal case as stated in para 3 of the bail petition. There is case and counter case between the parties. The other co-accused persons have already been granted bail by the Co-ordinate Bench *vide* order dated 10.12.2020 passed in Cr. Misc. No. 24958 of 2020.



Learned A.P.P. for the State has vehemently opposed the prayer of anticipatory bail of the petitioner by submitting that there is specific allegation against the petitioner and the injured sustained ten multiple injuries caused by firearm which are grievous in nature. The case of co-accused persons who have been granted bail by the Co-ordinate Bench, is on different footing from that of the petitioner.

Considering the aforesaid facts and circumstances as well as injuries being grievous in nature and the specific allegation against the petitioner, I am of the view that no case for grant of anticipatory bail is made out. The prayer for anticipatory bail of the petitioners is rejected with a direction to the petitioners to surrender before the Court below within six weeks from today and pray for regular bail which will be considered by the learned court below in accordance with law without being prejudice by this order.

(Chandra Prakash Singh, J)

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