

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7085 of 2024

Arising Out of PS. Case No.-564 Year-2023 Thana- KESARIA District- East Champaran

Naz Ahmad Khan Son of Maneer Ahmad Khan R/o vill - Bairiya, P.S. -
Kesariya, Distt. - East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Asif Kalim, Advocate

For the Opposite Party/s : Mr. Ram Sevak Choudhary, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 22-02-2024

1. Heard learned counsel for the parties.

2. The petitioner has preferred this application for grant of regular bail in connection with Kesaria P.S. Case no.564 of 2023(GR Case no.7410 of 2023) registered under sections 307, 147, 148, 149, 323, 324, 427, 385, 504 and 506 of the Indian Penal Code and section 27 of the Arms Act.

3. As per the prosecution case, the informant states that the twenty named accused persons and ten unknown accused persons came variously armed and as a result of firing resorted to by the petitioner, the informant sustained firearm injury in his right thigh.

4. It is submitted by learned Senior counsel for the petitioner that the petitioner has been falsely implicated in the case because of enmity. No such occurrence has taken place.



The manner of occurrence is other than that what has been narrated in the FIR. Further referring to the contents of the medical report (Annexure-P/5) it is submitted that the injury has been found to be simple in nature. Further on the protest filed by the petitioner, a Medical Board was constituted and in its report dated 31.1.2024 (Annexure-P/6) the Board was of the opinion the injury has not been caused by firearm and it is simple. The petitioner is in custody since 5.12.2023 and undertakes to cooperate in the trial.

5. The application for bail is opposed by learned A.P.P. for the State and learned counsel for the informant.

6. Learned counsel for the informant submits that besides there being direct allegation against the petitioner of having fired upon the informant and corresponding injuries having been found in the injury report, the petitioner is an accused in as many as 19 cases as mentioned in paragraph no.3 of the petition.

7. In response, learned counsel for the petitioner submits that as per oral instructions received he has been acquitted in about 10 cases.

8. Having heard learned counsel for the parties and taking into consideration the direct allegations against the petitioner in the



F.I.R. wherein it is alleged that the petitioner is resorted firing on the informant and the corresponding firearm injury on the informant, the Court is not inclined to enlarge the petitioner on bail and the application is rejected.

9. Liberty is granted to the petitioner to renew his prayer for bail on completing one year in custody or after framing of charge whichever is later.

(Partha Sarthy, J)

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