

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No.6766 of 2024**

Arising Out of PS. Case No.-139 Year-2023 Thana- THAWE District-  
Gopalganj

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NEZAM AHMED @ ARAFAT AHMED @ ARAFAT AHMAD @ NEZAM @  
NEYAZ

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

|                          |   |                              |
|--------------------------|---|------------------------------|
| For the Petitioner/s     | : | Mr.Devashish Giri, Adv.      |
| For the Opposite Party/s | : | Mr.Mukesh Kumar Singh, APP   |
| For the Informant        | : | Mr. Kumar Harshvardhan, Adv. |

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**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA**  
ORAL ORDER

2      20-02-2024                      Heard learned Counsel for the petitioner and learned  
APP for the State as well as learned counsel appearing for the  
informant.

2. This application, for grant of anticipatory bail, arises  
out of Thawe P.S. Case no. 139 of 2023, disclosing offences  
punishable under Sections 341, 324, 326, 307, 379/34 of the  
Indian Penal Code and Section 27 of the Arms Act.

3. The prosecution case, as per the First Information  
Report, is that while the informant along with his two maternal  
uncles was coming on motorcycle, they were ambushed by the  
accused persons including the petitioner and it has been alleged  
that the petitioner fired upon the informant and his maternal  
uncles due to which maternal uncle of the informant, namely, Jay



Prakash Kumar sustained bullet injury in his chest and another also got gun shot injury inflicted by the co-accused, Belal.

4. Learned counsel appearing for the petitioner submits that the petitioner has not committed any offence in the manner as alleged in the F.I.R., however, he has been made accused in the present case due to previous money dispute between the parties. He further submits that the informant was driving the motorcycle and his two companions were the pillion riders but the victim in his statement recorded during course of the investigation has not made any specific allegation against the petitioner. Learned counsel next submitted that it was night when the occurrence took place and it was very difficult for the informant being the pillion rider to identify the accused persons, who were allegedly firing upon them from a distance of 200 meters. He further submits that according to the preliminary injury report, a penetrating wound with lacerated margin with blackening around the wound in right chest has been found by the doctor, which goes to shows that the victim, Jay Prakash Kumar was not shot from a close range.

5. On the other hand, learned counsel appearing for the informant vehemently opposed the prayer for anticipatory bail of the petitioner and submits that the informant was an eye witness and he was on the motorcycle as a pillion rider while firing was being made by the petitioner and others. It is further submitted



that there is specific allegation in the F.I.R. that the bullet fired by the petitioner caused injury on the chest of maternal uncle of the informant and this fact is fully corroborated by the preliminary injury report, which shows that the victim sustained penetrating wound near his chest.

7. Regard being had to the submissions made on behalf of the parties and taking into consideration the fact that the specific allegation of firing is there against the petitioner that he fired upon the informant and his companion due to which maternal uncle of the informant sustained bullet injury in his chest, I am not inclined to grant the privilege of anticipatory bail to the petitioner.

6. This application is, accordingly, dismissed.

(Anil Kumar Sinha, J)

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