

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12276 of 2024

Arising Out of PS. Case No.-598 Year-2023 Thana- SIKARPUR District- West Champaran

Murtuza Khalifa @Sheikh Murtuza SON OF LATE KHEDARUL @
SHEIKH KHEDARU RESIDENT OF VILLAGE- NAUTANWA, PS-
SHIKARPUR, DIST- WEST CHAMPARAN

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sharad Kumar Verma

For the Opposite Party/s : Mr. Anil Kumar

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 12-03-2024 1. Heard learned Counsel for the petitioner and learned Additional Public Prosecutor for the State.
2. This application, for grant of anticipatory bail, arises out of Shikarpur Police Station Case No. 598 of 2023, dated 17.07.2023, disclosing offences under Sections 147/148/149/447/341/323/324/307/504/506 of the Indian Penal Code.
3. The prosecution case, as per the First Information Report, is that on 17.07.2023, in the morning, the informant, alongwith his family members, went to the field for sowing paddy crop. In the meanwhile, the petitioner, alongwith other accused persons, arrived there, started abusing and prevented the informant from sowing the



crop. It has further been alleged that the petitioner inflicted farsa blow on the head of the informant due to which he sustained injury. When the cousin of the informant, namely, Ilyas Sheikh, intervened, the co-accused Nabil Ahmad fired upon him by means of rifle due to which the informant's cousin sustained fire-arm injury and fell on the ground. When informant's another cousin Santre Sheikh came to rescue, the co-accused Shahnawaj fired upon him with his rifle due to which informant's cousin-Shantre Sheikh also sustained fire-arm injury. The co-accused Tahil Ahmad shot in the stomach of the informant's cousin-Santre Sheikh with his gun. When one another cousin of the informant, namely, Sheikh Arbaz, came to save them, all the accused persons assaulted him also. In the course of fight, the informant's cousin-Ilyas Sheikh, who sustained fire-arm injury due to firing done by the co-accused Nabil Ahmad, subsequently died in the hospital.

4. Mr. Sharad Kumar Verma, learned Counsel for the petitioner, submits that the occurrence has taken place due to land dispute between the parties and both the parties are co-villagers. There is counter-case also lodged by the



side of the petitioner, bearing Shikarpur Police Station Case No. 599 of 2023 registered under Sections 147/341/323/307/504 and allied sections of the Indian Penal Code and Section 27 of the Arms Act. Learned counsel next submits that the allegation of assault against the petitioner is upon the informant, but no injury report has been brought by the prosecution before the learned Sessions Judge. He further submits that there is no allegation against the petitioner that he assaulted the deceased.

5. Regards being had to the submissions made on behalf of the parties and taking into consideration the fact that the petitioner is named in the First Information Report, he is a member of unlawful assembly and allegation of assault is also against the petitioner, I am not inclined to grant the petitioner privilege of anticipatory bail.
6. This application is, accordingly, rejected.

(Anil Kumar Sinha, J)

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