

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24852 of 2024

Arising Out of PS. Case No.-167 Year-2023 Thana- BHARGAMA District- Araria

Md. Masood Alam @ Masood Alam @ Md. Masood @ Masood Alam, Son
Of Late Md. Ali Resident Of Village- Akarthapa Bisahariya, Ward No. 08 P.S.
Bhargama, District- Araria

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. N. K. Agrawal- Sr. Advocate
Mr. Dinesh Prasad Verma
For the Opposite Party/s : Mr. Satyendra Narayan Singh
Mr. Thakur Brajesh Singh
Mr. Pratyush

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 4 13-09-2024 1. Heard learned senior counsel for the petitioner, the learned counsel appearing on behalf of the informant and learned APP for the State.
2. The petitioner seeks bail in a case registered for the offences punishable under Sections 147, 148, 149, 341, 323, 324, 307, 354B, 379, 504 and 506 of the Indian Penal Code and Section 27 of the Arms Act.
3. The learned senior counsel for the petitioner submits that petitioner has antecedent of two cases and is in custody since 22.01.2024 and the informant alleges that accused persons including the petitioner entered his house and started assaulting his family members. Further, on orders of Md. Safi,



accused Md. Masood Alam (petitioner) and Md. Wakar started firing indiscriminately causing firearm injury on the right knee of the informant. Further, his grandson aged about 10 years also received firearm injury on his thigh. Thereafter, Md. Oshi Ahmad assaulted his nephew (Md. Abdula) by farsa causing injury on head. It is next alleged that Md. Aaza by arrow assaulted his daughter causing injury on head. It is further alleged that Md. Ekbal with an iron rod, Md. Rahulla, Md. Militulla and Md. Rakib, Md. Sabbibulla with lathi assaulted his sister and nephew (Md. Abdul Rahman) causing injury on head of his nephew. Thereafter, Rakib and Md. Oshi tore clothes of his daughter and sister and also snatched the chain from the neck of differently abled son.

4. The learned senior counsel for the petitioner submits that from perusal of the allegation as alleged in the F.I.R., it would manifest that as far as the petitioner is concerned, he is alleged to have fired indiscriminately along with Wakar causing firearm injury to the informant and his 10 years old grandson. It is next submitted that from perusal of the injury report of the informant, it would manifest that he has suffered firearm injury, but then, from perusal of the injury report of the grandson of the informant, it would manifest that



he has received injury in his thigh, but the same has been caused by hard and blunt substance/ pointed object. It is next submitted that though there is allegation in the FIR that grandson of the informant also received firearm injury, but then, the injury report negates the same. It is further submitted that though informant received firearm injury, but then, the allegation in the FIR is that petitioner along with Wakar fired indiscriminately, as such, it cannot be presumed or alleged that it was petitioner, who fired causing injury to the informant. It is further submitted that from the side of the petitioner, Bhargama P. S. Case No.166 of 2023 was instituted against the informant and his side (Annexure-3 anticipatory bail application). It is further submitted that from the side of the petitioner also Wasi Ahmad received firearm injury and Wasi Ahmad is brother of the instant petitioner. It is thus submitted that since brother of this petitioner got injured by firearm from the side of the informant, as such, petitioner came to be implicated in order to coerce Wasi Ahmad into submission, so that the case can be compromised. It is next submitted that from perusal of Para-52 of the case diary, it would manifest that the witness has stated that it was Wakar, who fired causing injury to the informant. It is also submitted that charges have been framed on 02.07.2024 and thereafter,



three dates have passed, but then, not a single prosecution witness was examined.

5. The learned counsel appearing on behalf of the informant as well as Learned A.P.P. opposes the bail application, but then, are not in a position to rebut the submission of the learned senior counsel appearing on behalf of the petitioner that brother of the instant petitioner also received firearm injury from the side of the informant for which Bhargama P. S. Case No.166 of 2023 has been instituted, nor is in a position to rebut the submission of the learned senior counsel appearing on behalf of the petitioner that the FIR does not specifically specify that it was petitioner, who fired injury causing firearm injury to the informant and that grandson of the informant has not received any firearm injury and the witness at Para-52 of the case diary has stated that it was Wakar, who fired causing injury to the informant.

6. Considering the submissions made by the learned senior counsel appearing on behalf of the petitioner, the petitioner, above-named, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Araria in connection



with Bhargama P. S. Case No.167 of 2023.

7. The application stands allowed.

8. However, in the event, if the learned trial Court comes to a conclusion that the petitioner after his release is trying to delay the trial in any manner, the learned trial Court shall be at liberty to cancel the bail bonds of the petitioner after recording reasons.

(Satyavrat Verma, J)

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