

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56160 of 2024

Arising Out of PS. Case No.-52 Year-2024 Thana- RAMGARHWA District- East Champaran

1. Amirullah @ Sheikh Amirullah, Son of Late Kalimullah R/o Village- Murgiya Tola, P.S.- Ramgarhwa, District- East Champaran
2. Wajul Haque, Son of Amirullah @ Sheikh Amirullah R/o Village- Murgiya Tola, P.S.- Ramgarhwa, District- East Champaran
3. Anullah @ Sheikh Anullah, Son of Late Kalimullah R/o Village- Murgiya Tola, P.S.- Ramgarhwa, District- East Champaran
4. Jale Alam @ Jane Alam @ Jani Alam @ Jani, Son of Sheikh Safiullah R/o Village- Murgiya Tola, P.S.- Ramgarhwa, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Abhishek Kumar, Advocate
For the State	:	Mr. Jitendra Kumar Singh, APP
For the Informant	:	Mr. Ajay Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 03-09-2024 Heard Mr. Abhishek Kumar, learned counsel for the petitioners, Mr. Ajay Kumar Singh, learned counsel for the informant and Mr. Jitendra Kumar Singh, learned APP for the State.

2. The petitioners apprehend their arrest in connection with Ramgarhwa P.S. Case No. 52 of 2024 dated 04.03.2024 registered for the offences punishable under Sections 147, 148, 149, 341, 323, 324, 326, 307, 504 & 506 of the Indian Penal Code and Section 27 of the Arms Act.

3. Learned counsel appearing for the petitioners submits



that altogether twelve (12) persons, including the petitioners, have been named in the FIR, the specific allegations are against petitioner no. 1, namely, Sheikh Amirullah and co-accused Md. Ali and against any of the other petitioners, there is no specific allegation and they are simply said to be part of the mob and so far as the allegation of causing firearm injury to the informant is concerned, the same is completely false in view of the injuries found on the person of the informant as according to the medical opinion he sustained two simple injuries which were caused by a hard and blunt object but as per allegation made in the FIR, co-accused Md. Ali fired at him. It is further submitted that though against the petitioners, there are criminal antecedents but they are on bail in all their antecedent cases.

4. On the contrary, learned counsel for the informant has vehemently opposed the bail prayer of the petitioners and submitted that against the petitioners, there are criminal antecedents and in view of the nature of allegation, they do not deserve to the privilege of anticipatory bail.

5. Having regard to the submissions noted hereinabove and also considering the facts and circumstances of this case and mainly the facts that in the FIR, there is no specific allegation against the petitioners nos. 2 to 4 and the main allegation as to



firing is against the co-accused Md. Ali but any specific overt-act of the said petitioners has not been revealed though as per allegation petitioner no. 1 is alleged to have ordered the co-accused persons including the other petitioners however, the said petitioner is said to be 70 years old person and as per FIR, in the previous case which was also lodged by the informant, the present petitioners were not said to be accused and also, taking into account the nature of injuries sustained by the informant, in my opinion, in the said circumstances, the petitioners deserve to the privilege of anticipatory bail. Accordingly, let the petitioners named-above, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the Court concerned in connection with Ramgarhwa P.S. Case No. 52 of 2024, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Shailendra Singh, J)

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