

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57462 of 2024

Arising Out of PS. Case No.-111 Year-2024 Thana- PIRBAHOR District- Patna

1. Saifullah @ Md. Saifullah, Son of Late Faizullah R/O Mohalla Sabzibagh, P.S.- Pirbahore, Dist.- Patna.
2. Md. Zeeshan @ Md. Jishan Son of Md. Amiruddin R/O Mohalla Sabzibagh, P.S.- Pirbahore, Dist.- Patna.
3. Md. Irshad Son of Md. Wasim @ Nasim R/O Mohalla Sabzibagh, P.S.- Pirbahore, Dist.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Saroj Kumar Choudhary
For the Opposite Party/s : Mr. Rabindra Kumar- A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 24-09-2024 1. Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners seek bail in anticipation of their arrest in Pirbahore P. S. Case No.111 of 2024 registered for the offences punishable under Sections 147, 148, 149, 341, 323, 307, 504 and 506 of the Indian Penal Code and Section 27 of the Arms Act.

3. The learned counsel for the petitioners submits that the petitioners are persons with clean antecedent and the informant alleges that 23.02.2024 at 11.00 P.M., he was going to purchase medicine, when he reached near Hindustan Medical



crossing, he saw that two groups were indulging in abusing each other, hence he went to pacify them when Md. Hamad came near him and thereafter the accused persons including the petitioners along with 10-15 unknown accused came and started indiscriminate firing causing firearm injury on left side of his chest, Hamad was shot on his left side.

4. The learned counsel for the petitioners submits that petitioners have been falsely implicated in the instant case by the informant. It is next submitted that from perusal of the allegation as alleged in the FIR, it would manifest that informant himself alleges that when he was going to purchase medicine, he saw two groups abusing each other and he went to pacify them, when it is alleged that the occurrence took place. It is next submitted that even presuming what has been alleged is true without admitting, then petitioners had no enmity with the informant. It is next submitted that even the side of the petitioners have suffered injury.

5. On query of the Court whether any one from the side of the petitioners have suffered firearm injury or not, on which the learned counsel appearing on behalf of the petitioners fairly submits that from the side of the petitioners, no one has suffered firearm injury, but then, allegation of firing is not



specific. It is also submitted that on intervention of well-wishers, the parties have compromised.

6. Learned A.P.P. Sri Rabindra Kumar opposes the anticipatory bail application and submits that though allegation of firing is not specific, but then, what is not disputed rather stands admitted is that the informant received firearm injury on his chest and Hamad received firearm injury on his hand and chest definitely is a vital part. It is next submitted that the compromise entered definitely points to the fact that the side of the petitioners have coerced the informant and his side to enter into a compromise or else a person, who has been shot in his chest would not have entered into a compromise. It is also submitted that even the offences are not compoundable.

7. Considering the submissions made by the learned A.P.P., the Court is not inclined to extend the privilege of anticipatory bail to the petitioners.

8. The prayer of the petitioners for anticipatory bail stands rejected.

(Satyavrat Verma, J)

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