

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63855 of 2024

Arising Out of PS. Case No.-19 Year-2024 Thana- CHOUTARWA District- West Champaran

1. Faiyaz Sah @ Fahiyaz Sah Son of Late Nurain @ Late Nurain Sah Resident of Village - Kolhuwa Chautarwa, P.S. - Chautarwa, District - West Champaran
2. Sabirul Sah @ Sabirul Ali Son of Saukat Sah Resident of Village - Kolhuwa Chautarwa, P.S. - Chautarwa, District - West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioners	:	Mr. Vijay Kr Singh No. 1, Advocate
For the State	:	Md. Fahimuddin, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 30-09-2024 Heard learned counsels for the parties.

2. The petitioners apprehend their arrest in a case registered for the offence punishable under Sections 341, 342, 109, 504, 506, 326, 307 and 34 of the Indian Penal Code.

3. As per prosecution case, on the alleged date and time of occurrence, all the F.I.R. named accused persons, including these petitioners, surrounded and abused informant. It is further alleged that Petitioner No. 1 fired from his pistol, as a result of which informant sustained fire arm injuries.

4. It is submitted by learned counsel appearing on behalf of the petitioners that petitioners are innocent and have falsely been implicated in this case. As a matter of fact, from



bare perusal of the F.I.R. it is apparent that there is prior enmity between the parties. Moreover, there is no specific accusation of overt act against Petitioner No. 2.

5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of anticipatory bail to the petitioners and submitted that petitioners are named in the F.I.R.. It is further submitted that there is specific accusation of causing fire arm injury against Petitioner No. 1. Petitioner No. 1 has got four criminal antecedents and Petitioner No. 2 has got one criminal antecedent.

6. Considering the aforesaid facts and circumstances of the case, gravity of offence, nature of accusation and criminal antecedents of the petitioner, the prayer for grant of anticipatory bail to Petitioner No. 1 is rejected.

7. So far as Petitioner No. 2 is concerned, considering the fact that there is no specific accusation of overt act against Petitioner No. 2, the prayer for grant of anticipatory bail to Petitioner No. 2 is allowed.

8. Accordingly, in the event of arrest/surrender within a period of eight weeks from today, let the above named Petitioner No. 2 be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount



each to the satisfaction of learned Additional Chief Judicial Magistrate 1st, Bagaha, West Champaran, in connection with Chautarwa P.S. Case No. 19 of 2024, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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