

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69311 of 2024

Arising Out of PS. Case No.-434 Year-2023 Thana- MOUZAHDIPUR District- Bhagalpur

Md. Aftab @ Md. Aftab Alam S/o Md. Chand @ Nejarul Hasan R/o vill -
Moazzamchak, P.S. - Habibpur, Distt. - Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shashank Shekhar, Adv.

For the Opposite Party/s : Mr. Umesh Lal Verma, APP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 22-10-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in connection with Mojahidpur P.S. Case No. 434 of 2023 registered for the offences punishable under Sections 307, 120(B), 387 of the Indian Penal Code and Section 27 of the Arms Act.

3. As per FIR, on the alleged date and time, when the informant was at his residence, he came to know that firing was made upon his son. Upon this information, he immediately reached at the place of occurrence and saw that all the FIR named accused persons were indiscriminately firing upon his son. Thereafter, seeing the informant, co-accused Farhan and this petitioner started firing upon him as a result of which he sustained one bullet injury on his left hand. It is further alleged



that one boy, namely, Aryan has also sustained a bullet injury on his leg.

4. It is submitted by learned counsel for the petitioner that the petitioner is quite innocent and has committed no offence. No such occurrence as alleged has ever taken place. He has been falsely implicated in this case due to ulterior motive. The allegation levelled against the petitioner is totally false and based on concocted facts. From bare perusal of the FIR, it is evident that indiscriminate firing was made at the place of occurrence, but surprisingly, his son has not sustained any injury. Learned counsel further submits that it is not clear from the prosecution version that whose firing caused bullet injury to the informant as there is allegation of firing against the petitioner and co-accused Farhan. During investigation, no any mark of indiscriminate firing has been found at the place of occurrence. It is further submitted that petitioner has eleven criminal antecedents as mentioned in para-3 of the supplementary affidavit.

5. Learned APP for the State opposes the prayer for bail.

6. Considering the facts and circumstances of the case as well as the nature of the offence, I am not inclined to enlarge the petitioner on anticipatory bail. The prayer for anticipatory bail



of the petitioner is hereby rejected.

7. Accordingly, the application stands dismissed.

(Anjani Kumar Sharan, J)

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