

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74461 of 2024

Arising Out of PS. Case No.-166 Year-2023 Thana- BHARGAMA District- Araria

Shamsher @ Samsher Son of Late Shahadat Resident of Village - Akarthapa
Bisaria, Ward No.7, Police Station - Bhargama, District - Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Thakur Brajesh Singh, Advocate
For the Opposite Party/s	:	Mr. Akshay Lal Pandit, APP
For the Informant	:	Mr. Shahid Aqubal, Advocate
	:	Mr. Shadab Alam Wazdi, Advocate

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 30-10-2024 Heard learned counsel for the petitioner, learned APP
for the State and learned counsel for the informant.

2. The petitioner apprehends his arrest in connection with Bhargama P.S. Case No. 166 of 2023 instituted for the offences under Sections 147, 148, 149, 341, 323, 324, 307, 504, 506 of the Indian Penal Code and Section 27 of the Arms Act.

3. Prosecution case, in short, is that this petitioner and other co-accused persons assaulted the informant and his family members due to which they sustained injuries.

4. Learned counsel for the petitioner submitted that the petitioner has falsely been implicated in the present case. Learned counsel further contended that as per FIR, the allegation against the petitioner is that he fired upon the informant's brother on the head but from perusal of the injury



report, the firearm injury is not sustained on head which creates doubt over the story set by the prosecution. Learned counsel further submitted that there is an existing land dispute between the parties and the name of the petitioner has been transpired in this case only to threaten him to withdraw the title suit. It has been submitted on behalf of the petitioner that the petitioner has two criminal antecedents.

5. Learned A.P.P. for the State and learned counsel for the informant have vehemently opposed the prayer for grant of bail to the petitioner. Learned counsel for the informant further submitted that there is specific allegation of firing upon the informant's brother against this petitioner and, therefore, the petitioner does not deserve to be released on bail.

6. Considering the specific allegation of firing against this petitioner upon the informant's brother, this Court is not inclined to grant bail to the petitioner.

7. Prayer of the petitioner for grant of bail is rejected.

8. However, liberty is granted to the petitioner to surrender before learned Court below and seek regular bail.

(Rudra Prakash Mishra, J)

Alok Verma/-

U		T	
---	--	---	--

