

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79327 of 2023

Arising Out of PS. Case No.-1236 Year-2019 Thana- NAWADA District- Nawada

MD. LAL KHAN @ MOHAMMAD RAQEEB AHMAD S/O MD. MUSTAKIM KHAN @ MD. MUSTAKIM AHMAD VILLAGE- BARI DARGAH, IMAMBADA, GONDAPUR, PS. NAWADA (TOWN), DIST. NAWADA (BIHAR) 805110. AS PER F.I.R.-R/O VILLAGE- BARI DARGAH, PS. NAWADA, DIST. NAWADA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Aaruni Singh, Advocate Mr. Sandip Kumar Gautam, Advocate
For the Opposite Party/s	:	Mr. Zainul Abedin, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 07-03-2024

1. Heard learned counsel for the parties.

2. The petitioner has preferred this application for grant of regular bail in connection with Nawada P.S. Case no. 1236 of 2019, registered under sections 307, 323, 341, 147, 148, 149, 354A and 380 of the Indian Penal Code and section 27 of the Arms Act.

3. As per the prosecution case, as a result of firing resorted to by the petitioner, co-villager of the informant namely Md. Khurshid sustained fire-arm injury in his stomach and head.

4. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the case. There is case and counter case between the parties. The F.I.R of the other case



being Annexure-2 to the petition. The present case has been lodged to set-up a defence by the accused persons. The injury report does not support the allegation nor does it say as to which of the injuries was found to be grievous in nature. The petitioner is in custody since 13.9.2023 and investigation in the case has concluded.

5. The application for bail is opposed by learned APP for the State.

6. Having heard learned counsel for the parties and taking into consideration the nature of allegation against the petitioner in the FIR, the contents of the injury report wherein the injury on the injured has been found to be grievous in nature and the petitioner having remained at large for almost 4 years, the Court is not inclined to enlarge the petitioner on bail and the application is rejected.

7. Liberty is granted to the petitioner to renew his prayer for bail after six months or after framing of charge, whichever is later.

(Partha Sarthy, J)

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