

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82034 of 2023

Arising Out of PS. Case No.-137 Year-2021 Thana- LAUKAHI District- Madhubani

Md. Taiyab S/O Md. Ishlam R/O Village- Bangama, P.S.- Narhiya O.P.
(Laukahi), Distt.- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar, Advocate

For the Opposite Party/s : Mr. M K Nirala, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 28-06-2024 Heard Mr. Ashok Kumar, learned counsel appearing
on behalf of the petitioner and the learned Additional Public
Prosecutor for the State.

2. The petitioner apprehends his arrest in connection
with Laukahi (Narhai O.P.) P.S. Case No. 137 of 2021,
registered for the offences punishable under Sections 147, 148,
149, 341, 323, 325, 457, 427, 307, 504 and 506/34 of the Indian
Penal Code and Section 27 of the Arms Act.

3. Based upon the *fardbeyan*, the prosecution alleges
that all the accused persons, including the petitioner, surrounded
the house of the informant and made indiscriminate firing, due
to which the informant and other members have sustained
injuries. It is specifically alleged that while the accused persons
were assaulting the informant, the family members of the



informant came to his rescue whereupon, co-accused Chhotu Yadav, Md. Amir, Md. Qlam, Md. Haider and this petitioner having country made pistol made indiscriminate firing.

4. Learned Advocate appearing on behalf of the petitioner submits that from the FIR it would be evident that no specific allegation has been attributed against the petitioner, rather general and omnibus nature of allegation has been levelled against all the accused persons. There is a land dispute between the parties and, moreover, during the course of investigation, the statement of the wife of the informant's mother, husband of the deceased and their relatives were recorded, who have not made any specific allegation of firing. Learned Advocate for the petitioner fairly contended that co-accused Md. Amir and Md. Qlam have been allowed the privilege of regular bail.

5. On the other hand, learned counsel for the State opposed the pre-arrest bail application and submits that the petitioner has actively participated and there is allegation of firing, resulting into corroborating injuries.

6. Regard being had to the submissions made on behalf of the parties and taking into consideration the accusation of firing, leading to injuries to the family members of the



informant and also the fact that other co-accused persons have been allowed the privilege of regular bail, this Court is not acceded to the prayer of the petitioner. Accordingly, the anticipatory bail of the petitioner stands rejected.

(Harish Kumar, J)

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