

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65000 of 2024

Arising Out of PS. Case No.-862 Year-2024 Thana- PHULWARISHARIF District- Patna

Md. Naushad Mallick @ Md. Naushad Alam @ Naushad Mallic Son of Late
Nasim Alam Village- Khalilpura Ps- Phulwari Sharif Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Krishna Prasad Singh, Sr. Advocate
		Mr. Amritesh Kumar, Advocate
For the Opposite Party/s	:	Mr. Lalan Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 17-01-2025 Heard Mr. Krishna Prasad Singh, learned senior counsel assisted by Mr. Amritesh Kumar, learned counsel for the petitioner, learned A.P.P for the State and learned counsel for the informant.

2. The petitioner, apprehends his arrest in Phulwarisharif P.S. Case No. 862 of 2024, registered for offence under Sections 147, 148, 149, 323, 336, 307, 326, 353, 268, 327, 427 of the Indian Penal Code and Section 27 of the Arms Act, has prayed for grant of anticipatory bail.

3. As per prosecution case, on 22.06.2024 at about 1:30 PM, while the informant was on patrolling duty, he got an information about indiscriminate firing and violence between two groups in Bajrang Bali Colony, Harun Nagar,



Phulwarisharif, Patna and as such, he alongwith other police personnel rushed there and saw around 50 motorcycles riding with two or three persons on each motorcycle were fleeing armed with lathi, danda and fire-arm. The police tried to apprehend the fleeing persons, but could not succeed. It is further alleged that when police party proceeded ahead, they saw co-accused Md. Sahil lying in injured condition, having fire-arm injury on his hand and he disclosed that Md Naushad (petitioner herein) came on his black colour Ford car accompanied by 100 persons has fired upon him. The police thereafter seized these vehicles and identified several individuals involved in the violence, including Md. Sahil, who was shot in the hand. Furthermore, on the basis of CCTV footage, the police have identified 25 individuals and 60 unknown persons, involved in the aforesaid occurrence. The police also recovered nine empty cartridges & one pellet and vehicles with fake registration numbers.

4. Learned senior counsel for the petitioner submits that for the same occurrence, two F.I.Rs. have been registered. One by the injured, vide Phulwarisharif P.S. Case No. 863 of 2024, in which, petitioner has already been allowed anticipatory bail by a coordinate Bench of this Court, vide order dated



17.10.2024 passed in Cr.Misc. No. 64375 of 2024. The present F.I.R. has been lodged by the police. He further submits that though, as per F.I.R., Md. Sahil stated that petitioner came with about 100 person and he was shot by petitioner, but as per paragraph no. 118 and 137 of the case diary, co-accused Santosh Kumar fired with fire-arm to injured Md. Sahil. This statement has been made in paragraph 9 of the 1st supplementary affidavit, filed on behalf of petitioner. As a matter of fact, the entire allegation has been levelled against petitioner in order to put pressure on him to succumb to illegal demands of business rivals. Some of the similarly situated co-accused persons have already been allowed anticipatory bail by this Hon'ble Court.

5. However, learned A.P.P. for the State and learned counsel for the informant vehemently opposed the prayer for anticipatory bail. Learned counsel for the informant submits that petitioner is named in the F.I.R. with specific allegation that he alongwith other co-accused persons indiscriminately fired at the place of occurrence, as a result of which, informant sustained gun shot injury and got released one person from custody of police party. Besides this, petitioner has got criminal antecedent and he is accused in altogether six cases.

6. Considering the nature of accusation and criminal



antecedent of petitioner, the prayer for anticipatory bail of petitioner is rejected.

(Prabhat Kumar Singh, J)

Anay

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

