

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17151 of 2026

Arising Out of PS. Case No.-2 Year-2026 Thana- ARARIA District- Araria

Md. Iftakhar @ Istakhar Son of Mr. Sabir @ Shabeer R/O Village- Surjapur,
P.S.- Baigachhi, District- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur, Adv. Mrs. Sushmita Mishra, Adv. Mr. Purushottam Kumar, Adv.
For the Opposite Party/s	:	Mr. Pramod Kumar Pandey, Adv.
For the Informant	:	Mr. Rabindra Kumar Priyadarshi, Adv. Mr. Dheeraj Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 16-04-2026 1. Heard learned counsel for the petitioner Mr. Ajay Kumar Thakur, learned A.P.P. for the State and the learned counsel appearing on behalf of the informant.
2. The petitioner apprehends his arrest in connection with Araria P.S. Case No.02 of 2026, registered for the offences punishable under Sections 126(2), 109, 61(2) of the B.N.S., 2023 and Section 27 of the Arms Act.
3. Learned counsel for the petitioner submits that petitioner is a person with clean antecedent and the informant alleges that on 27.12.2025 at 6 P.M. Md. Tahmim called him at Hariyali market, accordingly, the informant went to the market, where from before, named accused persons including the



petitioner were present, further petitioner took out arm and tried to fire at the informant but the informant started fleeing, thereafter Chotu took the arm and fired at the informant causing injury on neck.

4. Learned counsel for the petitioner submits that petitioner has been falsely implicated in the instant case by the informant. It is next submitted that from perusal of the allegation as alleged in the FIR, it would manifest that informant alleges that initially petitioner tried to fire at him but Chotu took the arms and fired at the informant causing injury on neck. It is further submitted that the said allegation that petitioner tried firing at the informant is an exaggerated allegation. It is also submitted that specific allegation of firing is against Chotu. It is next submitted that the date of occurrence is 27.12.2025 and the fardbeyan of the informant was recorded by the police in the hospital at Darjeeling on 01.01.2026 i.e. after more than five days of the occurrence. It is further submitted that it does not appear probable that in between 27.12.2025 till 01.01.2026, the informant would have been treated in hospital in Bihar but then no doctor would have informed the police about the occurrence. It is thus submitted that it might be a possibility that the occurrence took place in some other manner and the



petitioner came to be implicated in the instant case by the informant on account of previous land dispute, as disclosed by the brother of the informant, during the course of investigation, recorded at Para-4 of the case diary.

5. Learned counsel appearing on behalf of the informant opposes the prayer for anticipatory bail of the petitioner and submits that what is not in dispute rather stands admitted is that informant received gunshot in the neck and specific allegation is against Chotu but then the informant also alleges that it was this petitioner who was carrying gun from whom Chotu took and committed the occurrence of firing. It is also submitted that since informant was shot in the neck, a vital part of the body, as such, he initially went to District Hospital, Araria from where he was referred to Purnea and subsequently he got himself treated at a Multi-specialty Private Hospital at Darjeeling, where his fardbeyan was recorded. It is further submitted that if the doctors at Araria and Purnea did not inform the police that a person with firearm injury has come for treatment, the informant cannot be faulted for the same. It is fairly submitted that though petitioner is not alleged to have fired causing firearm injury but then his presence at the place of occurrence emboldened Chotu to commit the occurrence of



firing after taking the gun from the petitioner. Learned APP submits that investigation in the case is still continuing.

6. After hearing the learned counsel for the parties, the Court is not inclined to extend the privilege of anticipatory bail to the petitioner.

7. The anticipatory bail application of the petitioner is rejected.

(Satyavrat Verma, J)

amit/-

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

