

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 32876 of 2020

Arising Out of PS Case No.-99 Year-2020 Thana- NARPATGANJ District- Araria

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Md. Shamim Khan @ Shameem Khan, aged about 40 years, Male, Son of
Late Kajir Khan, Resident of Village- Gokhlapur Ward No. 02, PS-
Narpatganj, District- Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Dr. Amrendra Kumar, Advocate
For the State	:	Mr. Nitya Nand Tiwary, APP
For the Informant	:	Mr. Md. Naushad Uzzoha, Advocate

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL JUDGMENT

Date : 26-03-2021

Heard Dr. Amrendra Kumar, learned counsel for the petitioner; Mr. Nitya Nand Tiwary, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State and Mr. Md. Naushad Uzzoha, learned counsel for the informant.

2. The petitioner apprehends arrest in connection with Narpatganj PS Case No. 99 of 2020 dated 25.02.2020, instituted under Sections 147, 148, 447, 342, 341, 354, 307, 380 and 504/34 of the Indian Penal Code.



3. The allegation against the petitioner and others is of assault by sharp cutting weapon, firearms etc. and specifically against the petitioner of injuring Tasim on the face by arrow which hit him between the eye and nose.

4. Learned counsel for the petitioner submitted that the dispute was petty due to grazing of goat and the parties are neighbours. It was submitted that the FIR itself has been lodged after 36 hours which raises suspicion with regard to the truthfulness of the allegation. Learned counsel submitted that the petitioner has no criminal antecedent.

5. Learned APP submitted that the petitioner had the intention to kill or at least seriously injure the person as he had fired arrow which hit between the eye and nose. It was further submitted that the informant side was chased by the accused, including the petitioner and even when they had locked themselves in a room, the petitioner had shot arrow hitting the victim in a very vital place.

6. Learned counsel for the informant submitted that the blow was serious and it was the good fortune of the victim that he survived. He also produced before the Court photographs of the victim to demonstrate the seriousness of the wound.



7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the Court is not inclined to grant pre-arrest bail to the petitioner.

8. Accordingly, the application stands dismissed.

(Ahsanuddin Amanullah, J.)

P. Kumar

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