

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.25692 of 2021**

Arising Out of PS. Case No.-216 Year-2020 Thana- KHAJEKALA District- Patna

MD. ARIF RAJA @ NASSU S/o Safi Ahmad Resident of Village- Kamadiya  
Tola, P.S.- Khajekalan, District- Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Niranjan Kumar Singh, Advocate  
For the Opposite Party/s : Mr.Tarun Prasad Mandal,APP

**CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH**  
**ORAL ORDER**

2      02-03-2022      Heard learned counsel for the petitioner and learned APP  
for the State.

The petitioner is apprehending his arrest in a case registered under Sections 302, 120(B), 34 of the Indian Penal Code and 27 of the Arms Act.

The prosecution allegation, in short, is that while the informant and along with one another was returning, the accused persons opened fired due to which another person sustained injury and later succumbed to the injury.

It has been submitted on behalf of the petitioner that there is no allegation of tampering of witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case. The petitioner is not named in the F.I.R. The accused persons were named in the F.I.R merely on the basis of suspicion. The name of the petitioner has transpired on the basis of confessional statement



of co-accused recorded under Section 161 Cr.P.C. before the police. Except for this, there is no other substantive evidence to show the participation of the petitioner in the alleged occurrence. No recovery has been made from the possession of the petitioner.

On behalf of the State, it is submitted that the petitioner is not named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner, above named, in the event of arrest/surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.- Patna City in connection with Khajekalan P.S. Case No. 216 of 2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

**(Sudhir Singh, J)**

Pankaj/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

