

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31149 of 2021

Arising Out of PS. Case No.-206 Year-2020 Thana- MOUZAHDIPUR District- Bhagalpur

1. MD. AFROJ @ AFROJ SON OF MD. SHAMSAD R/O - BANDHU BODI LANE, P.S.- BABARGANJ, DISTRICT- BHAGALPUR.
2. MD. ARBAZ @ MD. ARBAZ ALAM @ ARBAZ SON OF LATE FATWA @ SHAHIN R/O - PURAINI KILA, P.S.- JAGDISHPUR, DISTRICT- BHAGALPUR.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Diwakar Upadhyaya, Adv.
For the Opposite Party/s : Mr.Murli Dhar, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 20-01-2022 Heard learned counsel for the petitioners and learned APP
for the State through virtual court proceedings.

Learned counsel for the petitioners undertakes to remove the defects within four weeks of resumption of normal court proceedings. In the eventuality of non-removal of defects within stipulated period, office will place the matter before the Bench.

The petitioners apprehend their arrest in connection with Mojahidpur (Babarganj) P.S. Case No.206 of 2020, registered for the offence punishable under Sections 147, 148, 149, 342, 307, 506 of the IPC and section 27 of the Arms Act.

The prosecution case in short is that the petitioner along with other accused persons armed with weapons surrounded the



informant and accused Md. Tarzen fired upon him due to which, the informant sustained fire arm injury on his back and he fell down. Thereafter, he was taken to the hospital by the villagers.

It is submitted by learned counsel for the petitioners that petitioners are quite innocent and have committed no offence. They have been falsely implicated in this case due to enmity. No such occurrence, in the manner as alleged has ever taken place. The allegation leveled against the petitioners is not specific rather general and omnibus in nature. There is no allegation of firing upon these petitioners rather the allegation of firing is upon co-accused Md. Tarzen. The petitioners can at best be said to be the members of the unlawful assembly. Petitioners have no criminal antecedent, as also mentioned in para-3 of this application.

Learned APP for the State opposed the prayer for anticipatory bail.

Having regard to the facts and circumstances of the case, since there is no specific allegation against these petitioners, let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties



of the like amount each to the satisfaction of the learned court below where the case is pending/Successor Court in connection with Mojahidpur (Babarganj) P.S. Case No.206 of 2020, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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