

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No.43554 of 2021**

Arising Out of PS. Case No.-137 Year-2021 Thana- BEGUSARAI MUFFASIL District-  
Begusarai

MD. AURANGEB @ MD. AURANGZEB @ AURANGZEB Son of Md.  
Daud Resident of Village - Hardiya, P.S.- Muffasil, District - Begusarai.  
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Sandip Kumar Gautam, Advocate  
For the Opposite Party/s : Mr. Jai Narain Thakur, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA  
ORAL ORDER**

3      29-08-2022                      Heard learned counsel for the petitioner and learned  
A.P.P. for the State.

Let the defect(s), if any, be removed within a period  
of four weeks.

The petitioner apprehends his arrest in a case  
registered for the offences punishable under Sections 324, 307,  
302, 120(B)/34 of the Indian Penal Code read with Section 27 of  
the Arms Act.

Learned counsel for the petitioner submits that  
petitioner has antecedent of three cases out of which two cases  
arise from a complaint case and one is a police case.

The informant, who is the daughter of the petitioner,  
alleges that she had gone to meet her maternal grand-mother and  
on 04.03.2021 at about 03:50 p.m. she received a call on her



mobile and the caller informed that her father (petitioner), Shamshad (uncle), Inam (uncle), Ikramul (uncle) and step-mother Najrana along with two unknown accused have shot her husband dead. It is alleged that the caller also informed that her husband died at the spot and the dead body has been sent to the hospital. The informant on coming to know about the occurrence went to the hospital and saw the dead body (Imteyaz). It is alleged that the reason for the occurrence is that she had married Imteyaz against the will of family members, thus, alleges that the named accused persons along with two unknown have killed her husband.

Learned counsel for the petitioner submits that the informant is not an eye witness to the occurrence and the FIR also does not disclose who was the caller who gave the information to the informant about the killing of her husband. Learned counsel further submits that for the same occurrence one Md. Rahmat Ali's fardbeyan was also recorded at Kalpana Nursing Home, Begusarai on 04.03.2021 at 08:14 wherein he has alleged that on 04.03.2021 at about 03:00 p.m. the deceased (Imteyaz) has come for getting motorcycle repaired at his garage when two accused persons in the age group of 25-30 years came on a motorcycle and called Imteyaz and the accused



sitting as pillion on the motorcycle shot him and one bullet deflected and injured Rahmat Ali i.e. the owner of the garage. Learned counsel for the petitioner submits that from perusal of both the fardbeyan, it would manifest that the wife of the deceased is not an eyewitness to the occurrence rather Rahmat Ali is an eyewitness to the occurrence and the manner in which he had alleged in the FIR about the occurrence clearly goes to show that the accused were young boy in the age group of 25-30 years, further, he does not allege that other accused were also present along with them. Learned counsel next submits that during the course of investigation, statement of Md. Arshad, who is uncle of the deceased, was also recorded (para 28 of the case diary) wherein he has also supported the prosecution case as alleged by Md. Rahmat Ali. Learned counsel, thus, submits that if the petitioner and his family members would have been present at the place of occurrence then Md. Arshad being uncle of the deceased would have definitely recognized him. Learned counsel next submits that even during the course of investigation, nothing has come to connect the petitioner with the offence except for suspicion. Learned counsel also submits that even the call details of the petitioner was investigated but his presence is not found at the place or near the place of



occurrence. Learned counsel next submits that petitioner also had taken plea of alibi which was also investigated by the I.O. as would be evident from para 137 of the case diary.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner but is not able to rebut the submission of the learned counsel for the petitioner after perusal of the case diary.

Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) 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 Begusarai Mufassil P.S. Case No. 137 of 2021, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

**(Satyavrat Verma, J)**

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