

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.4517 of 2023**

Arising Out of PS. Case No.-178 Year-2020 Thana- SARAI District- Vaishali

MD. MUSTAFA ALAM @ MUSTAFA ANSARI S/o Idrish Ansari R/v-  
Mahmadabad, P.O.- Sarai, P.S.- Sarai, Distarict- Vaishali at Hajipur

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

**Appearance :**

|                            |                                                                                             |
|----------------------------|---------------------------------------------------------------------------------------------|
| For the Petitioner/s :     | Mr. Ashok Kumar Choudhary, Sr. Adv<br>Mr. Rajeev Narayan, Adv<br>Mr. Anil Kumar Tiwary, Adv |
| For the Opposite Party/s : | Mr. Chandra Sen Prasad Singh, APP<br>Mr. Sabal Kumar Jha, Adv                               |

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN**  
**ORAL ORDER**

2      05-05-2023      Heard the parties.

The petitioner apprehends his arrest in a case registered for the offence punishable under Sections 302, 120-B, 34 of the Indian Penal Code.

Allegedly, the petitioner and other accused persons surrounded the informant and his brother and co-villager. It is alleged that the petitioner ordered the accused persons to kill them, on this the accused persons brutally assaulted the informant's side. Jawed died at the spot and Nasir was declared dead by the doctor in the hospital.

It is submitted by learned senior counsel for the petitioner that petitioner is quite innocent and have committed no offence.



He has been falsely implicated in this case. No such occurrence, in the manner as alleged, has ever taken place. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. He further submits that there is no specific overt act against the petitioner. Petitioner is only the order giver. Petitioner has three criminal antecedent.

Learned APP for the State as well as informant opposed the prayer for anticipatory bail.

Having regard to the facts and circumstances of the case, let the above named petitioner, be released on bail, in the event of his/her 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) 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 Sarai P.S. Case No.178 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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