

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31388 of 2023

Arising Out of PS. Case No.-46 Year-2023 Thana- MOTIHARI TOWN District- East
Champaran

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Aslam Ansari @ Muswa Son Of Bhola Miya R/O-Raghunathpur, P.S.-
turkauliya, Distt.-east Champaran

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Prateek Tandon
For the Opposite Party/s : Mr.Sharda Kumari

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 26-07-2023 1. Heard learned counsel for the petitioner and
learned APP for the State.
2. The petitioner seeks bail in anticipation of his
arrest in a case registered for the offences punishable under
Sections 341, 323, 307, 34 of the Indian Penal Code and Section
27 of the Arms Act.
3. The learned counsel for the petitioner submits that
the petitioner is a person with clean antecedent and the
informant alleges that while he along with his son in-law and
daughter were returning home, when he was dashed by a
motorcycle on which three accused were sitting. Thereafter,
people gathered and scolded the accused persons and they left.
It is further alleged that thereafter, the informant along with his



son in-law and daughter came to his house when the three accused along with some unknown persons came and abused him and when he came out of the house, one person fired, but he saved himself.

4. The learned counsel for the petitioner submits that petitioner has been falsely implicated in the present case. It is next submitted that F.I.R. was instituted against unknown and the name of the petitioner transpired in the confessional statement of Mustafa Alam in police custody, which does not have any evidentiary value. It is next submitted that even presuming what has been alleged is true without admitting, then Mustafa disclosed that it was Tabrej, who fired and the shot misfired and the petitioner was also present at the place of occurrence. It is next submitted that Tabrej has been granted the privilege anticipatory bail by order dated 26.07.2023 in Cr. Misc. No.29865 of 2023.

5. Learned A.P.P. opposes the bail application.

6. Considering the submissions made by the learned counsel for the petitioner and the fact that petitioner is a person with clean antecedent, the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks, is directed to be released on bail on his



furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M., Motihari, East Champaran in connection with Motihari Town P. S. Case No.46 of 2023, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

(Satyavrat Verma, J)

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