

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 36331 of 2023

Arising Out of PS. Case No.-265 Year-2020 Thana- KHAGARIA District- Khagaria

Md. Hozaiifa @ Md. Hojaifa S/O Md. Amzad Raja R/O Village- Jalkaura, P.S-
Gangaur (Khagaria), Distt.- Khagaria.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shakil Ahmad Khan, Adv.

For the Opposite Party/s : Mr. Md. Ataur Rahman, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

2 21-07-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 147/ 148/ 149/ 323/ 506/ 504/ 379/ 448/ 307 of the I.P.C. read with Section 27 of the Arms Act.

3. As per the prosecution case, the F.I.R. has been lodged against 18 named accused persons that they alongwith weapons came at the house of the informant. The allegation against the accused Md. Afzal is that he has put pistol on the head of the informant and forcefully went with the informant near *chowk*. Thereafter, the allegation against others that they assaulted on the head of the informant, due to which he injured.

4. Learned counsel for the petitioner submits that

from the contents of the F.I.R., it transpires that there is no allegation at all against the present petitioner whose name is in the accused column at serial no. 17.

5. Learned counsel for the petitioner further submits that there is neither act nor overt act or anything against the petitioner, save and except the name of 18 persons were given in the F.I.R. Counsel further submits that the other similarly situated persons have been granted bail by the Co-ordinate Bench of this Court, which is Annexure-2.

6. Learned A.P.P. for the State opposes the prayer for bail and submits that there is nothing specific against the petitioner.

7. In the present facts and circumstances of the case and the submissions made above, let the above named petitioner be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond to the satisfaction of the learned Chief Judicial Magistrate, Khagaria in connection with Khagaria (Gangaur) P.S. Case No. 265 of 2020, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dr. Anshuman, J.)

sadique/-

U		T	
---	--	---	--