

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39018 of 2023

Arising Out of PS. Case No.-6 Year-2020 Thana- RAXAUL RAIL P.S. District- West
Champaran

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Mustafa Mian @ Mustafa Ansari S/O Sarfullah Ansari @ Sarfudin @
Chhediya @ Joki R/O Village- Budhwaha, P.S- Chhauradano, Distt.- East
Champaran. Petitioner

Versus

The State of Bihar Opposite Party

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Appearance :

For the Petitioner/s : Mr. Madhurendra Kumar, Advocate
For the Opposite Party/s : Mr. Yogendra Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 06-09-2023 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner in the present case is seeking pre-arrest
bail in connection with Raxaul Rail P.S. Case No. 06 of 2020
registered for the offences punishable under Sections 147, 148, 149,
307, 302 of the Indian Penal Code and Section 27 of the Arms Act.
He has got no criminal antecedent.

3. As per the prosecution story, on 09.05.2020 when the
informant and his younger brother were watching T.V., they heard the
sound of firing and thereafter, the informant reached at Railway
Dhala with torch light and saw 5-6 persons were firing and running
towards west side.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in this case. It
is submitted that the petitioner has no criminal antecedent.

5. Learned APP for the State has opposed the prayer for



anticipatory bail of the petitioner.

6. Having regard to the materials placed before this Court showing that this petitioner is named among the five named accused persons who were identified by the informant in the torch light while fleeing away from the place of occurrence and the informant has given reasons of enmity and disclosed that his deceased brother was a journalist and had earlier helped the administration in the case in which one of the accused of this case Ful Mohammad Mia @ Fultam Mian who is brother of this petitioner was involved, in the nature of the materials available on record, this Court is not inclined to grant privilege of anticipatory bail to the petitioner.

7. The prayer for anticipatory bail of the petitioner is, thus, refused.

8. In case the petitioner surrenders and prays for regular bail within four weeks from today in the court below, his prayer for regular bail shall be considered on its own merit without being prejudice by the order of this Court.

9. This application stands disposed of.

10. Let the case diary be returned to learned court below.

(Rajeev Ranjan Prasad, J)

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