

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47372 of 2023

Arising Out of PS. Case No.-141 Year-2022 Thana- ISHAKCHAK District- Bhagalpur

Md Tipu @ Tipu @ T. J. @ Mirza Razzaq Beg S/O Md. Mirza Gayas Beg
R/O Village- Tank Lane Near Masjid Bikhampur, PS. Ishak Chak, Dist.
Bhagalpur

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Dr. Manoj Kumar, Advocate

For the Opposite Party/s : Mr. Anant Kumar I, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 11-08-2023 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 Ishak Chak P.S. Case No. 141 of 2022 registered for the offences punishable under Sections 328, 307, 120B, 34 of the Indian Penal Code and Section 27 of the Arms Act and subsequently Section 302 of the Indian Penal Code was added. He has got no criminal antecedent.

3. As per the prosecution story, on 26.07.2022 at about 01:30 A.M. in the marriage, co-accused Moon Khan and co-accused Md. Chhotu @ S.T. Khan started firing at the Baraat as a result of which Md. Meraj got injured and during treatment he died. It is alleged that other accused persons including this petitioner were also involved in the said firing.



4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. It is submitted that there is no allegation of commission of any overt act against the petitioner.

5. Learned APP for the State has opposed the prayer for anticipatory bail of the petitioner.

6. Having regard to the submission that the name of the persons who had opened fire at the Baraat in harsh firing have been disclosed by the informant in the FIR, so far as the present petitioner is concerned, there is no allegation of commission of overt act against him, the name of the petitioner has transpired in the confessional statement of co-accused Sheikh Alam and the petitioner has no criminal antecedent, hence, this Court directs that in case of his arrest or surrender within a period of four weeks from today, the petitioner above named be released on bail in connection with Ishak Chak P.S. Case No. 141 of 2022 on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, Bhagalpur, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

7. And further condition that the court below shall



verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

8. This application stands allowed.

(Rajeev Ranjan Prasad, J)

SUSHMA2/-

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

