

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59321 of 2023**

Arising Out of PS. Case No.-813 Year-2019 Thana- JAHANABAD District- Jehanabad

Md Shahnawaz @ Shahnawaz Alam S/O Imtiyaz @ Dablu R/O Village-
Jafarganj, P.O., P.S. and Dist.- Jehanabad

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Satya Ranjan Sinha, Advocate

For the Opposite Party/s : Mr.Md. Aslam Ansari, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

2 18-10-2023 Heard Mr.Satya Ranjan Sinha, learned counsel for
the petitioner and Mr.Md. Aslam Ansari, learned Additional
Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Jehanabad P.S.Case No. 813 of 2019, FIR dated 11.10.2019 registered for the offences punishable under Sections 153(A), 147, 148, 149, 302, 188, 153 of the Indian Penal Code and Section 27 of Arms Act.

3. According to prosecution case, while section 144 was on alert, about 100 people of Jafarganj and local vicinity under leadership of Ex Ward Parshad Md. Wasim Uddin raising slogan arrived at the house of Vishnu Kumar, 2 to 4 people pointed pistol on Vishnu Kumar on which informant tried to save him, some miscreants pulled him and thus he fell down on



the ground. In the meantime, some people who were leading mob surrounded Vishnu Kumar and co-accused Golden who was also one of the member of mob, fired on Vishnu Kumar and fled away. Vishnu Kumar was taken away to Sadar Hospital Jehanabad for treatment where he was declared dead.

4. Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has falsely been implicated in the present case. Further submits that from a bare perusal of the FIR it appears that there is no accusation of any assault or overt-act attributed against the petitioner rather there is specific allegation of firing attributed against co-accused, Golden, who has fired upon Vishnu Kumar and he has died. Further submits that the similarly situated co-accused persons, namely, Md. Saiyar @ Saddam @ Md. Saiyar Rain and Md. Mistar @ Md. Tabish Alam have been granted privilege of anticipatory bail by a Coordinate Bench of this Hon'ble Court vide orders dated 25.03.2022 and 15.02.2022 passed in Cr. Misc. Nos. 71594 of 2021 and 618 of 2022 respectively.

5. Learned A.P.P. for the State, on the other hand, has vehemently opposed the prayer for anticipatory bail of the petitioner.

6. Considering the aforesaid facts, petitioner has clean



antecedent, there is no accusation of any assault or overt-act attributed against the petitioner and co-accused persons have been granted privilege of anticipatory bail by a Coordinate Bench of this Hon'ble Court, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs.10,000 (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Jehanabad in connection with Jehanabad P.S.Case No. 813 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

(I) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bonds shall be cancelled by the Court below.

(II) If the petitioner tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(III) 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/her 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.

(Rajesh Kumar Verma, J)

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