

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61351 of 2023

Arising Out of PS. Case No.-22 Year-2022 Thana- CHAUTHAM District- Khagaria

MD RAJU @ MUJAHID @ RAJU S/O - MD. AKTAR @ MD. AKHTAR
R/O VILLAGE - DHUTAULI, P.S. - CHOUTHAM

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mrityunjay Kumar, Advocate

For the Opposite Party/s : Mr.Syed Ehteshamuddin, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 11-10-2023 Heard the learned counsel for the
petitioner and the learned A.P.P. for the State.

2. The petitioner apprehends his arrest in connection with Choutham P.S. Case No. 22 of 2022, registered for the offences punishable under Sections 147, 148, 149, 341, 326, 307 and 504 of the Indian Penal Code and Section 27 of the Arms Act.

3. The case of the prosecution, in brief, according to the informant, is that on the alleged date and time of occurrence while he and his son were returning back to their home and had reached near the bridge in question, the FIR named accused persons, including the petitioner herein, had arrived there, variously armed, and upon the co-accused



person, namely, Md. Sattar having ordered to kill, the co-accused person, namely, Md. Samshad had fired with his pistol on Md. Amzad resulting in him sustaining fire arm injury.

4. The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case and he is having a clean antecedent. The learned counsel for the petitioner has further submitted that neither the petitioner is the order giver nor he is the assailant and in fact the police had also submitted a final form qua the petitioner, finding him to be having no complicity in the alleged occurrence. It is also submitted that the main assailant i.e. Md. Samshad has already been granted the privilege of bail vide order dated 05.09.2022 passed in Criminal Miscellaneous No. 22529 of 2022.

5. *Per contra*, the learned A.P.P. for the State has vehemently opposed the prayer for grant of anticipatory bail.

6. Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the



parties and taking into account the materials available on record as also considering the fact that the petitioner is neither alleged to be the order giver nor the assailant, I deem it fit and proper to admit the petitioner herein to the privilege of anticipatory bail.

7. Accordingly, the petitioner, above named, is directed to be released on anticipatory bail in the event of his arrest/surrender before the court below within a period of four weeks from the date of receipt/ production of a copy of this order, 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, Khagaria in connection with Choutdham P.S. Case No. 22 of 2022, subject to the conditions as stipulated under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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