

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14839 of 2024

Arising Out of PS. Case No.-533 Year-2023 Thana- MOTIHARI TOWN District- East
Champaran

=====

Zafar Akhtar Son of Ali Akhtar Resident of Village- Mahamadpur, P.S.-
Pachrukhi, District- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Advocate
For the Opposite Party/s : Mr. Choubey Jawahar, APP

=====

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 12-03-2024 Heard Mr. Abhishek Kumar, learned counsel for the

petitioner and Mr. Choubey Jawahar, learned Additional Public

Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Motihari Town P.S. Case No. 533 of 2023,
F.I.R. dated 01.08.2023 for the offences punishable under
Sections 447, 341, 323, 324, 307, 384, 427, 504, 506, 34 and
120B of the Indian Penal Code and Section 27 of the Arms Act.

3. According to prosecution case, this petitioner along
with 100 unknown persons armed with deadly weapons have
started firing indiscriminately upon the informant. It is further
alleged that they also demanded Rs. 1 crore as extortion money.

4. Learned counsel for the petitioner submits that



petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that the petitioner is not named in the F.I.R. and the name of the petitioner has been transpired during investigation on the basis of the confessional statement of the co-accused, namely, Irshad Ali. He further submits that there is no allegation against the petitioner and except the confessional statement of the co-accused, no other material has come during investigation to suggest the involvement of the petitioner in the present occurrence. He further submits that co-accused, namely, Raju Mishra @ Satyendra Narayan Mishra and Mokhtar Miya have been granted anticipatory bail by a Co-ordinate Bench of this Court vide order dated 28.11.2023 passed in Cr. Misc. No. 71561 of 2023 and another co-accused, namely, Ashraf Chand @ Chand Ashraf has been granted anticipatory bail by a Co-ordinate Bench of this Hon'ble Court vide order dated 24.01.2024 passed in Cr. Misc. No. 854 of 2024.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances that the petitioner has clean antecedent and he is not named in the F.I.R and the name of the petitioner has been transpired on



the basis of the confessional statement of the co-accused, let the petitioner, above named, in the event of 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 the learned Chief Judicial Magistrate, East Champaran, Motihari in connection with Motihari Town P.S. Case No. 533 of 2023, 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 absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. If the petitioner tampers 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 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)

Vanisha/-

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

