

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16393 of 2024

Arising Out of PS. Case No.-149 Year-2023 Thana- SINGHWARA District- Darbhanga

Md. Aurangzeb Son Of Md. Kausar Ali R/O-Rajo, P.S.-Singhwara, Distt.-
Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Iqbal Asif Niazi, Advocate

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

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

4 26-06-2024 Heard learned Counsel for the petitioner and learned
APP for the State.

2. The petitioner is apprehending arrest in connection with Singhwara P.S. Case No. 149/2023 registered on 01.08.2023 for the offences punishable under Sections 147, 148, 149, 448, 323, 324, 354, 302, 504 and 506 of the Indian Penal Code.

3. As per the prosecution, the FIR has been lodged against 12 named accused persons including the present petitioner alleging therein that all the accused persons surrounded and assaulted the informant's father. The specific allegation is against one Md. Gulzar is to have assaulted with a sword on the head of the informant's father whereas co-accused Md. Arman is alleged to have tried to outrage the modesty of the



informant's sister. It is further alleged that in the course of treatment, the father of the informant died.

4. It is submitted by learned counsel for the petitioner that the petitioner is innocent and has committed no offence. The petitioner is accused in one more criminal case, but in that case, he has been granted bail. He further submits that the present case is the result of political rivalry which was going on between the informant and the petitioner due to the reason that the present petitioner is a follower of the other party who contested the election of Mukhiya in the said locality and there was continuous threat from the informant's side to put his name in a false criminal case. In this regard, he filed an informatory petition on 19.05.2022 before the Sr. Superintendent of Police. Learned counsel further submits that CCTV footage of the alleged place of occurrence has been obtained by the police and from the CCTV footage, it became very much clear that the petitioner is innocent as he was not present at the place of occurrence. He further submits that case diary has been called for in this case and paragraph 143 whereof shall be apparent in this matter.

5. Learned APP for the State opposes the prayer for bail of the petitioners and submits that in the FIR, there is a



direct allegation against the present petitioner that he was present at the place of occurrence, therefore, he may not be granted bail.

6. Upon perusal of paragraph 143 of the case diary, it transpires that a total of ten persons have been identified in the CCTV footage, but the petitioner was not found in the CCTV footage who is named in the FIR.

7. In the facts and circumstances, let the above named petitioner be released on bail, in the event of arrest or surrender before the learned Court below within a period of 6 weeks from today, on furnishing bail bond of ₹30000/- (thirty thousand) with two sureties of the like amount each to the satisfaction of the learned ACJM-IV, Darbhanga in connection with Singhwara P.S. Case No. 149 of 2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dr. Anshuman, J)

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