

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18912 of 2024

Arising Out of PS. Case No.-167 Year-2023 Thana- BHARGAMA District- Araria

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1. MD. WAQUAR @ WAQUAR AHMAD S/O RAFI ALAM R/O VILLAGE-AKARTHAPA, BISHARIYA, WARD NO.-08, P.S- BHARGAMA, DISTT.-ARARIA.
 2. Md. Safi Ahmad @ Safi Ahmad S/O Late Ali R/O VILLAGE-AKARTHAPA, BISHARIYA, WARD NO.-08, P.S- BHARGAMA, DISTT.-ARARIA.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Navjot Yesu

For the Opposite Party/s : Mr. Md. Mushtaque Alam

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 27-03-2024 1. Heard learned counsel for the petitioners and learned A.P.P. for the State along with learned counsel for the informant.

2. Learned counsel for the petitioners, at the outset, seeks permission to withdraw the present anticipatory bail application with respect to petitioner no. 1 (Md. Waquar @ Waquar Ahmad).

3. Permission is accorded.

4. Accordingly, the present anticipatory bail application is dismissed as withdrawn with respect to petitioner no. 1.

5. The petitioner no. 2 apprehends his arrest in a case



registered for the offences punishable under Sections 147, 148, 149, 341, 323, 324, 307, 379, 354B, 504 and 506 of the Indian Penal Code read with Section 27 of the Arms Act.

6. Learned counsel for the petitioner submits that the petitioner is a person with clean antecedent and has been falsely implicated in the instant case by the informant with an allegation that petitioner was an order giver. It is further submitted that allegation of indiscriminate firing causing firearm injury to the informant is against Md. Waquar. It is further submitted that since the present petitioner is related to Md. Waquar, as such, he has been implicated in the instant case with an ornamental allegation of order giver. It is also submitted that petitioner is 51 years of age and has remained a person with clean antecedent all throughout.

7. Learned A.P.P. for the State along with learned counsel appearing on behalf of the informant opposes the prayer for anticipatory bail of the petitioner but then are not in a position to rebut the submissions of the learned counsel for the petitioner that petitioner is not alleged to have committed any overt act except that he has been alleged to be an order giver.

8. Considering the submissions made by the learned counsel for the petitioner, the petitioner no. 2 above-named, in



the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Bhargama P.S. Case No. 167 of 2023 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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