

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19613 of 2024

Arising Out of PS. Case No.-734 Year-2023 Thana- CHAPRA TOWN District- Saran

Md. Zishan Hoda @ Zisnul Hoda @ Zishanul Hoda S/o Manirul Hoda R/o
vill - Karimchak, P.S. - Town, Distt. - Saran at Chapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nawal Kishore Singh, Advocate

For the Opposite Party/s : Md. Mushtaque Alam, APP

Mr. Ashok Kumar Gupta, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 15-04-2024 1. Heard learned counsel for the petitioner, as well as
learned APP for the State along with learned counsel for the
informant.

2. The petitioner seeks bail in anticipation of his
arrest in a case registered for the offences punishable under
Sections 147, 148, 149, 341, 323, 307, 504, 506 of the Indian
Penal Code and 27 of the Arms Act.

3. The learned counsel for the petitioner submits that
petitioner has been falsely implicated in the instant case by the
informant with an allegation that the informant's children were
playing on the road when one Zawed Alam came on his bike
riding rationally, as such the informant fearing that an accident
may be caused he advised Zawed to ride the motorcycle
carefully. Thereafter, it is alleged that the accused persons



including the petitioner came and Furkan assaulted the informant upon his head by *farsa* causing injury and also fired in direction of the informant's house, thereafter Zawed also fired from his pistol, but then the informant managed to save himself. Further all the accused persons thereafter assaulted.

4. The learned counsel submits that from persual of the allegation as alleged in the FIR, it would manifest that specific allegation of assaulting the informant on head is against Furkan. It is also submitted that though there is allegation of firing, but then the same is ornamental as no one was injured and as far as this petitioner is concerned the allegation against him is general and omnibus in nature. It is further submitted that similarly situated co-accused Ishan @ Tappu @ Ishan Ali Ansari had moved this Court seeking anticipatory bail by filing Cr. Misc. No.17081 of 2024 and the same was allowed by a learned coordinate Bench by an order dated 18.03.2024.

5. The learned APP along with learned counsel for the informant opposes the anticipatory bail application, but then are not in a position to rebut the submission of the learned counsel for the petitioner that there is no specific allegation of assault against the petitioner.

6. Considering the submissions made by the learned



counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs.10000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Saran at Chapra in connection with Chapra Town P.S. Case No.734 of 2023, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

(Satyavrat Verma, J)

Prakash Narayan

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