

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28031 of 2024

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

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1. Asharaf Ali S/o Reyajudin Miya R/o vill - Mohammadpur, P.S. - Pachrukhi,
Distt. - Siwan
 2. Md. Azimul @ Azimul Haque S/o Emamul Haque R/o vill - Mohammadpur,
P.S. - Pachrukhi, Distt. - Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

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

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 12-07-2024 Heard learned counsel for the petitioners and learned
A.P.P for the State.

2. The petitioners are apprehending their arrest in connection with Motihari Town P.S. Case No.533 of 2023 dated 01.08.2023 registered for the offences punishable under Sections 447, 341, 323, 324, 307, 384, 427, 504, 506/34 and 120(B) of the Indian Penal Code and Section 27 of the Arms Act.

3. As per the prosecution case, the petitioners and the co-accused persons along with 100 unknown miscreants forming unlawful assembly arrived at the place of occurrence. Having been armed with weapons, accused persons started



firing upon the exhortation of the co-accused Iftekhar Ahmad. Thereafter, the accused persons namely, Osama, Saiyad Sadayan and others started firing upon the informant indiscriminately. It is further alleged that the co-accused Mokhtar Miya assaulted one Gopi Rai on his head with *Katar* causing head injury and the other co-accused also assaulted him. It is further alleged that the co-accused persons damaged the properties of the informant and threatened to kill him and they also demanded Rs. 1 crore as *Rangdari*.

4. Learned counsel for the petitioners has submitted that the petitioners are innocent and have committed no offence. They have been falsely implicated in this case. They have no concern with alleged occurrence and nothing has been recovered from their conscious possession. The petitioners are not named in the FIR. The name of the petitioners came in the case on the basis of the confessional statement of the co-accused namely, Irshad Ali. Learned counsel for the petitioners has further submitted that there is general and omnibus allegation against the petitioners and no offence is made out against them under Section 384 of the I.P.C. The petitioners have no any criminal antecedent as stated in para 3 of the bail petition. The F.I.R. named co-accused namely, Raju Mishra @ Satyendra



Narayan Mishra and Mokhtar Miya have already been granted anticipatory bail by this Court vide order dated 28.11.2023 passed in Cr.Misc. No. 71561 of 2023.

5. Learned A.P.P. for the State has vehemently opposed the prayer for anticipatory bail of the petitioners.

6. Considering the aforesaid facts and circumstances of the case as well as the nature of allegation against the petitioners, let the above-named petitioners, in the event of their arrest/surrender within a period of six weeks from today, be enlarged on bail on furnishing bail-bond of Rs. 20,000/- (Rupees Twenty Thousand) each with two sureties of the like amount each to the satisfaction of learned Court concerned, Motihari, East Champaran in connection with Motihari Town P.S. Case No. 533 of 2023, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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