

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31648 of 2024

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

Abid Hussain SON OF Wahid Miya VILLAGE-Mohammadpur, P.S.-
Mohammadpur, Dist- Siwan

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhishek Kumar, Adv.

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

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

ORAL ORDER

2 02-08-2024 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in a case in
connection with Motihari Town P.S. Case No. 533 of 2023 dated
01.08.2023 registered for the offences punishable u/ss 447, 341,
323, 324, 307, 384, 427, 504, 506, 120B read with section 34 of
the Indian Penal Code and section 27 of the Arms Act.

3. As per the prosecution case, the accused persons
named in the F.I.R. along with 100 unknown miscreants forming
unlawful assembly arrived at the place of occurrence. Having
been armed with weapons, accused persons started firing on the
exhortation of the co-accused, Iftekhhar 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 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 petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. The petitioner is not named in the F.I.R. The name of the petitioner has surfaced in this case during the course of investigation. Learned counsel has further submitted that the injured Gopi Rai sustained lacerated wound injury which is simple in nature caused by hard and blunt substance. It is further submitted that the petitioner has no concern with the alleged offence. The co-accused person has already been granted anticipatory bail by this court vide order dated 28.11.2023 passed in Cr. Misc. No. 71561 of 2023. The petitioner has no criminal antecedent as stated in para 3 of the bail petition.

5. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner.

6. Considering the aforesaid facts and circumstances of the case, let the above named petitioner, in the event of his



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) with two sureties of the like amount each to the satisfaction of learned court concerned, East Champaran, Motihari 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. This application stands allowed.

(Chandra Prakash Singh, J)

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