

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44358 of 2024**

Arising Out of PS. Case No.-118 Year-2024 Thana- GOPALGANJ TOWN District-
Gopalganj

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PARWEJ ALAM @ CHHOTE MUKHIYA @ PARWEZ ALAM SON OF
MOHAMMAD JAAD @ MOHAMMAD JAAD VILLAGE- TAKIYA
YAKUB, PS- GOPALGANJ, DIST- GOPALGANJ

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Chandan Kumar
For the Opposite Party/s : Mr. Ram Sevak Choudhary
For the Informant : Mr. Md. Danish Quamar

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 209-08-2024
1. Heard learned counsel for the petitioner, learned A.P.P. for the State and the learned counsel appearing on behalf of the informant.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 302 and 120(B) of the Indian Penal Code read with Section 27 of the Arms Act.

3. Learned counsel for the petitioner submits that petitioner has antecedent of three cases and the informant alleges that his father had to board train for going to Lucknow, hence he went to railway station on a motorcycle driven by Amanul, and when they reached near Turkaha water plant when



Mahtab shot him and fled towards the water plant where the accused persons were also present who subsequently fled and his father was brought to Sadar hospital where he succumbed to his injuries.

4. Learned counsel for the petitioner submits that petitioner has been falsely implicated in the instant case. It is next submitted that from perusal of the allegation as alleged in the F.I.R., it would manifest that specific allegation of firing is against Mahtab. It is also submitted that the informant is not an eye witness to the occurrence. It is next submitted that even presuming what has been alleged is true without admitting then petitioner is not alleged to be present with Mahtab when he shot, rather it is alleged that Mahtab, after firing at the father of the informant, fled towards water plant where other accused persons were present. It is next submitted that petitioner is present *Mukhiya* of the Panchayat while the deceased was *ex-Mukhiya* of the same Panchayat and there was rivalry between the two, as such, when the father of the informant was shot by Mahtab, the petitioner also came to be implicated as a conspirator.

5. Learned counsel appearing on behalf of the informant vehemently opposes the prayer for anticipatory bail of the petitioner and submits that the occurrence was committed at



the behest of the petitioner as petitioner and the deceased were having political as well as business rivalry. It is also submitted that during the course of investigation, it transpired that petitioner had given an amount of Rs. 6 Lakhs for getting the occurrence committed. It is next submitted that investigation of the case is in its nascent stages and in the event if privilege of anticipatory bail is granted to the petitioner, in that event petitioner may abscond or will try to tamper with the evidence, on which the learned counsel appearing on behalf of the petitioner submits that petitioner will not abscond rather will co-operate in the investigation.

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 trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 50,000/- (Rupees Fifty 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 Gopalganj P.S. Case No. 118 of 2024 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

7. One of the bailors of the petitioner shall be his son



Tanzil Perwez.

8. However, it is made clear that in the event if the Investigating Officer of the case files an application before the learned Trial Court bringing to its notice that petitioner despite giving assurance to this Court is not co-operating in the investigation or is not presenting himself as and when required, in that event the learned Trial Court shall be at liberty to forthwith cancel the bail bonds of the petitioner after recording reasons.

9. It is also made clear that if charge sheet is submitted connecting the petitioner with the offence, in that event the present anticipatory bail order shall lose its effect.

10. Accordingly, the instant anticipatory bail application stands allowed.

(Satyavrat Verma, J)

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