

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44362 of 2024**

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

Arif @ Sona @ Arif Mahtab @ Aarif @ Aarif Mahtab S/o Mahtab Alam @
Mehtab Alam resident of Takiya Yakub, P.S.- Gopalganj, District-Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Chandan Kumar
For the Opposite Party/s : Mr.Ram Priya Sharan Singh
Mr. Mirtunjay Kumar

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER**

- 2 31-08-2024 1. Heard learned counsel for the petitioner, learned
A.P.P. for the State and learned counsel appearing on behalf of
the Informant, Shri. Mritunjay Kumar.
2. The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 302 and
120B of the Indian Penal Code and Section 27 of the Arms Act.
3. The learned counsel for the petitioner submits that
petitioner is a person with clean antecedent and the informant
alleges that his father had to board a train for going to Lucknow,
hence he went to the railway station on a motorcycle driven by
Amanul and when they reached near Turkaha water plant, when
Mahatab shot him and fled towards the water plant, where other
accused persons were also present who subsequently fled and



his father was brought to Sadar hospital where he succumbed to injury,

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 allegations as alleged in the FIR, it would manifest that specific allegation of firing is against Mahatab. It is also submitted that the informant is not an eyewitness to the occurrence. It is next submitted that even presuming what has been alleged is true without admitting then the petitioner is not alleged to have fired or was present with Mahatab when he shot rather it is alleged that Mahatab, after firing at the father of the informant, fled towards the water plant where other accused persons were present. It is further submitted that the deceased was an ex-Mukhiya and it is alleged that on account of rivalry of the deceased with Parwez, the present occurrence is alleged to have taken place and Mahatab is alleged to have shot the father of the informant. It is further submitted that petitioner came to be implicated because he is son of Mahatab who is alleged to have shot the deceased.

5. Learned counsel appearing on behalf of the informant vehemently opposes the prayer for anticipatory bail of the petitioner but then is not able to rebut the submission of the



learned counsel appearing on behalf of the petitioner that informant was not an eyewitness to the occurrence. It is next submitted that the occurrence was committed at the behest of Parwez as deceased was having political as well as business rivalry in which the petitioner was also involved. It is also submitted that during the course of investigation, it transpired that Parwez had given an amount of Rs. 6 lakhs for getting the occurrence committed. It is also submitted that investigation of the case is in its nascent stage and in the event if privilege of anticipatory bail is granted to the petitioner, in that event the 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 cooperate in the investigation to prove his innocence.

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. 25,000/- (Rupees Twenty-five 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 brother, Sharique Mehtab.

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 the petitioner, despite giving assurance to this Court, is not cooperating in the investigation or is not presenting himself as and when required, the learned trial court shall be at liberty to forthwith cancel the bail bonds of the petitioner after recording reasons.

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

(Satyavrat Verma, J)

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