

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53327 of 2024

Arising Out of PS. Case No.-616 Year-2023 Thana- KOTWALI District- Munger

Prince @ Arwaz Chand, aged about 22 years (Male), Son of Md. Bablu @ Nazrul Hoda, Resident of Muhalla- Hazisubhan (Purabsarai), P.S. - Kotwali (Purabsarai), District – Munger.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Sanjiv Kumar Singh, Advocate
For the Opposite Party : Mr. Dilip Kumar No. 1, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 20-09-2024 Heard learned counsel for the petitioner and learned A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with Kotwali P.S. Case No. 616 of 2023 dated 31.12.2023 registered for the offences punishable under Sections 147, 148, 149, 307, 504, 506, 120B of the I.P.C. and Section 27 of the Arms Act.

3. As per the prosecution case, the informant is the owner of *Lemon Tree Hotel*, near the *Kasturba Water, Munger*, which was maintained by his Manager and Staff. It is further alleged that on 31.12.2023 at about 3.30 P.M., his manager informed him that three miscreants boarded on a *Scooty* and two miscreants boarded on a motorcycle came from the *Kasturba*



Water and opened fire in front of the informant's hotel and thereafter fled away towards *Kaura Maidan* which was also captured in CCTV camera. It is further alleged that the informant's son Aman Gupta has named the two miscreants out of three miscreants who were boarded on Scooty as Sannaullah and Hazla with whom a dispute arose in respect of the open lock of the vehicle between Aman Gupta's friends, namely, Shubham Shree, Abhishek Raj, Vivek Kumar and the co-accused Sannaullah and Hazla at *Jamalpur Domino's Restaurant*. It is further alleged that on 31.12.2023, Aman Gupta's friend Vivek called Aman Gupta and took him to Jamalpur where some hot talks took place between them. It is further alleged that Aman Gupta's friend, namely, Nisad Churamma also called Aman Gupta for settlement of the dispute that arose at *Jamalpur Domino's Restaurant*. The co-accused Hanjla also threatened Aman Gupta from the mobile of Nishad. It has further come to the knowledge of the informant from some people that the third person who was boarded on the Scooty, was Prince of Hazi Shubhan (petitioner).

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in the present case. It is submitted that from perusal of the F.I.R. itself,



it appears that the informant had learnt that the third person boarded on the Scooty was the petitioner but such type of evidence is very weak evidence in the eye of law. The name of the petitioner has come in the present case on the basis of the disclosure made by local people. No incriminating article has been recovered from the possession of the petitioner. It is further submitted that except suspicion, there is no other substantive evidence to suggest the implication of the petitioner in the present case. The other co-accused person, Hanjla @ Hanzala has already been granted regular bail by a Bench of this Court vide Cr. Misc. No. 39063 of 2024 under order dated 26.06.2024, annexed as Annexure-P/2 to the present bail application. The petitioner has clean antecedent as stated in paragraph no. 3 of the bail application.

5.Learned A.P.P. for the State has opposed the prayer for anticipatory bail 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 before the learned court below within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of



the learned C.J.M., Munger, in connection with Kotwali P.S.
Case No. 616 of 2023, subject to the condition as laid down
under Section 438(2) of the Cr.P.C. with further condition:-

I. The petitioner is directed to remain
physically present before the learned court
below on each and every date, failing which
on two consecutive dates without reasonable
cause, the bail bonds of the petitioner is liable
to be cancelled.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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