

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70399 of 2023

Arising Out of PS. Case No.-28 Year-2023 Thana- BALIA BELON District- Katihar

ABDUL RAUF @ MD. ABDUR RAUF @ ABDUR RAUF S/O
MAINUDDIN R/O VILL-BELONE SIHPUR, PS-BALIA BELON,
DISTRICT-KATIHAR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rakesh Bihari Singh, Adv.

For the Opposite Party/s : Mr.Tapeshwar Sharma, APP.
Mr. Sanjay Kumar Sinha, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 31-01-2024 Heard learned counsel for the parties.

2. The petitioner apprehends his arrest in Balia Belon P.S.

Case No. 28 of 2023 registered for the offences punishable under Sections 302, 307, 120(B),34 of the Indian Penal Code and Section 27 of Arms Act.

3. Allegedly, accused persons, namely, Mohib @ Maulvee, Lalu Sahani, Shakir and some unknown miscreants are said to have opened fire upon the informant's side due to which the informant's side sustained fire arm injuries and brother of the informant Tanwir Rahi died on the spot. It is further alleged that petitioner is the chief conspirator of the said occurrence.

4. It is submitted by learned counsel for the petitioner that petitioner is quite innocent and has committed no offence. No such occurrence as alleged ever took place. He has been falsely implicated in this case due to ulterior motive. The allegation



levelled against the petitioner is not specific rather general and omnibus in nature. He is mere conspirator of the said occurrence, which is evident from the FIR. There is admitted land dispute between brother of informant and co-accused Md. Nadir, brother-in-law of the petitioner and due to this reason, petitioner has been made accused in the present case. Petitioner has no criminal antecedent as mentioned in para-3 of this application.

5. Learned APP for the State as well as learned counsel for the informant opposes the prayer for bail.

6. Considering the facts and circumstances of the case as well as the nature of offence, I am not inclined to enlarge the petitioner on bail. The prayer for bail of the petitioner is hereby rejected.

7. However, if petitioner surrenders before the learned Court below within six weeks from today and seeks regular bail, the learned Court below shall pass order on the same day in accordance with law without being prejudiced by this order considering the fact petitioner has no criminal antecedent.

(Anjani Kumar Sharan, J)

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