

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38314 of 2025

Arising Out of PS. Case No.-117 Year-2024 Thana- AURAI District- Muzaffarpur

Md. Attaullah @ Raja S/o Md. Nisarul Resident of village- Mirzapur, P.S.-
Aurai, Dist- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shanti Bhushan Singh, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 23-06-2025 Heard Mr. Shanti Bhushan Singh, learned counsel
for the petitioner and Mr. Binod Kumar, learned APP for the
State.

2. The petitioner is apprehending his arrest in connection with Aurai P.S. Case No. 117 of 2024, F.I.R. dated 21.06.2024 registered for the offences punishable under Sections 147, 149, 341, 342, 448, 450, 451, 504, 506 of the Indian Penal Code and Section 27 of the Arms Act.

3. Allegation against the petitioner is that he along with 10-15 unknown persons entered the house of the informant and fired at him with intention to kill him and tried to broken the door due to which he sustained firearm injury.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in the



present case. He further submits that from perusal of the F.I.R. it appears that due to petty dispute, the present occurrence had taken place and there is case and counter case between the parties. Although, the petitioner is named in the F.I.R. but from perusal of the F.I.R. it appears that there is no specific allegation of any assault or overt act or firing attributed against the petitioner rather there is general and omnibus allegation against all the accused persons including the petitioner and apart from that similarly situated co-accused person namely Md. Rahmatullah @ Laddu has been granted the privilege of anticipatory bail by the learned Court below itself in A.B.P. No. 475 of 2025.

5. Learned APP for the State has opposed the prayer for anticipatory bail of the petitioner and submits that the petitioner carries one more case other than the present one but fairly submits on the basis of paragraph-3 of the bail petition that the petitioner is on bail in the pending matter.

6. Considering the facts and circumstances of the case and the fact that there is no specific allegation of any assault or overt act attributed against the petitioner and there is case and counter case between the parties as well as similarly situated co-accused person has been granted the privilege of



anticipatory bail by the learned Court below, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class (East), Muzaffarpur in connection with Aurai P.S. Case No. 117 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure/ Section 482(2) of BNSS, 2023 and with other following conditions :-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his



criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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