

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51095 of 2024

Arising Out of PS. Case No.-1014 Year-2023 Thana- NAGAR District- Vaishali

Md. Aashif Mustafa @ Md. Aashif S/o Md. Jubair R/o SDO Road, ward no.
12, P.S. - Nagar Hajipur, Distt. - Vaishali at Hajipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajnish Kumar Singh, Advocate
For the Opposite Party/s : Mr. Ram Sumiran Rai , APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 10-01-2025 Heard learned counsel for the petitioner and the

State .

2. Petitioner apprehends arrest in a case registered for
the offence punishable under sections 307 and 34 of the Indian
Penal Code and Section 27 of the Arms Act.

3 . As per the prosecution case , on 15.12.2023 at
about 7:30 P.M. while the informant's husband was parking his
Scooty inside the gate of his house, his nephew Nilesh Kumar
along with this petitioner and others came there and in



furtherance thereof co-accused Nilesh Kumar fired upon him which hit in the waist of informant's husband. Later on, all the three accused persons fled away .

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case . The name of the petitioner transpired on the confessional statement of co-accused Nilesh Kumar. It is further submitted that the statement of brother of the deceased shows that the deceased had dispute with Dinesh Khandelwal, Rahul Khandelwal and Pradeep Khandelwal and the petitioner has no motive at all.

5 . On the other hand, the learned counsel for the informant as well as learned APP for the State has opposed the prayer for bail by submitting that wife of the deceased is the eye-witness to the occurrence. She specially mentioned in the fardbeyan that when her husband was parking his Scooty , coaccused Nilesh Kumar fired at her husband and the petitioner was also present there. In the post-mortem report, fire-arm injury was found on the person of the informant's husband which was grievous in nature and as per Section 34 of the IPC, the liability of the petitioner is the same as is with the main assailant.



6. Considering the rival submission of the parties, and perused the material available on record, it appears that this petitioner was seen at the place of occurrence and also the fact that anticipatory bail of similarly situated co-accused persons have already been rejected by co-ordinate Bench of this Court vide order dated 28.10.2024 in Cr. Misc. No. 52344 of 2024 , prayer for pre-arrest bail of the petitioner is rejected.

(Prabhat Kumar Singh, J)

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