

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44472 of 2025

Arising Out of PS. Case No.-1001 Year-2024 Thana- ALAMGANJ District- Patna

Md. Sarfaraj @ Sarfaraj Alam @ Md. Sarfaraj Alam S/o Md. Manjur Khan @
Md. Mazur R/o Village- Mir Sikar Toli, P.S.- Alamganj, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kundan Kumar Singh, Advocate

For the Opposite Party/s : Ms. Indihar Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 16-07-2025 Heard Mr. Kundan Kumar Singh, learned Counsel for the
petitioner and Ms. Indihar Kumari, learned APP for the State.

2. The petitioner apprehends his arrest in connection with
Alamganj P.S. Case No. 1001 of 2024 for the offence registered
under sections 126(2), 115(2), 109, 303(2), 352, 3(5) of B.N.S.
and read with 27 of Arms Act lodged on 10.11.2024 by the
informant, Md. Mahfooz.

3. As per the prosecution story, the informant alleged
that Md. Shauki and Md. Sarfaraj (the petitioner herein) riding
motorcycle were rashly driving it. Upon objection, after abuse,
Md. Shauki opened fire causing injury on his leg. Further
allegation is that Md. Sarfaraj snatched the pistol from Md.
Shauki and once again fired which however hit the ground.
Later Md. Sarfaraj took out Rs. 5,000/- but as the locals arrived,
they left the place, this led to the FIR.



4. Learned Counsel for the petitioner submits that main allegation is against Md. Shauki of opening fire and injuring the informant. So far as this petitioner is concerned, only to exaggerate the case, allegation of opening fire which hit the ground as also snatching the amount have been alleged. The petitioner has no criminal antecedent. Further, the submission is that without accepting the allegation and/or the outcome of the present petition, in view of the fact that the informant side has alleged injuries, the petitioner on its own would like to contribute towards the medical assistance of Rs. 5,000/- through Demand Draft issued by the local State Bank of India branch to be submitted before the 'NAZARAT' of concerned Court to be handed over to the informant after checking the credentials.

5. Learned APP for the State, opposes the prayer for anticipatory bail submitting that though the main allegation is against Md. Shauki, it is further alleged that snatching the pistol from the informant, the petitioner also opened fired which however hit the ground.

6. Considering the submissions of the parties as also the fact that the main role of Md. Shauki has surfaced, the petitioner has no criminal antecedent, allegation there, he shall be facing the trial.



7. In that background, this Court is inclined to grant him the anticipatory bail with conditions subject to payment of Rs. 5,000/- to Md. Mahfooz as undertaken by the learned counsel for the petitioner to be paid by Demand Draft of local State Bank of India to be submitted to the Trial Court.

8. Let the petitioner in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned CJM, Patna City in connection with Alamganj P.S. Case No. 1001 of 2024 subject to condition as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family members/relatives of the petitioner, who shall provide official document to show his *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark



attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

Raj Ranjan/-

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