

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51285 of 2024

Arising Out of PS. Case No.-6 Year-2020 Thana- RAXAUL RAIL P.S. District- West
Champaran

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Mustafa Mian @ Mustafa Ansari @ Mustafa Miyan Son of Sarfullah Ansari
@ Sarfuddin Miyan @ Sarfudin @ Chhediya @ Joki R/O Vill.- Budhwaha,
P.S.- Chhauradano, Dist.- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Deepak Kumar, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

5 03-04-2025 Heard Mr. Deepak Kumar, learned counsel for the

petitioner and Mr. Kumar Veerendra Narayan, learned APP for

the State.

2. The petitioner has prayed for regular bail in a case
registered for the offence punishable under Sections 147, 148,
149, 307, 302 of the Indian Penal Code and Section 27 of the
Arms Act.

3. The case of the prosecution is that the petitioner, along
with others, fired at the brother of the informant, resulting in
serious injury. After that, he rushed to the hospital, where he
died during treatment.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. He has



falsely been implicated in this case. He has got no criminal antecedent. It is also submitted that in this case, the informant is not the eyewitness, as he arrived five minutes after the occurrence, which is apparent from the FIR itself. In this case, the wife of the deceased has also given her statement to the police, and in her statement, she has stated that she did not see anybody firing. It has also been submitted that as per the FIR, the informant saw the petitioner along with others fleeing away from the place of occurrence. The petitioner is 40 per cent disabled and is not able to run. Similarly situated other co-accused persons namely, Vishambhar Sah and Manjan Sah have been granted bail by Co-ordinate Bench of this Court in Cr. Misc. No. 4546 of 2021. The case of this petitioner stands on same footing. It is further submitted that the petitioner is languishing in judicial custody since 30.09.2023

5. Learned APP appearing for the state has opposed the prayer of regular bail.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Raxaul Rail P.S. Case No. 06 of 2020 on furnishing bail bond of



Rs.10,000/- (ten thousand) with two sureties of the like amount
each to the satisfaction of learned Railway Magistrate at Bettiah,
West Champaran.

(Ashok Kumar Pandey, J)

Sudhanshu/-

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