

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62133 of 2025

Arising Out of PS. Case No.-299 Year-2024 Thana- MOTIHARI TOWN District- East
Champaran

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Musarib Khan @ Mosharib Khan S/O Md. Ansarul Haque Khan R/o Village/
Mohalla- Agarwa, Ward No. 32, P.S.- Town, District- East Champaran
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Asif Kalim, Adv.

For the Opposite Party/s : Mr.Anil Kumar Singh No. 1, APP

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CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA
ORAL ORDER

2 29-08-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in connection
with Town P.S. Case No. 299 of 2024 instituted for the offence
under Sections 307, 326 & 34 of the Indian Penal Code and
Section 27 of the Arms Act.

3. As per prosecution case, all the co-accused persons
including the petitioner have fired upon the informant, who was
sitting with his mother at '*Braham Baba Asthan*', with the
intention to kill. In the meantime, mother of the informant,
namely, Seema Devi got injured by fire arm injury, thereafter,
she was taken up for treatment.

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



against him and has falsely been implicated in the present case due to highhandedness of the police. The petitioner was neither apprehended on spot nor anything incriminating has been recovered from his conscious possession. The petitioner is not named in the F.I.R. and his name has surfaced in this case on the basis of the confessional statement of the co-accused Harshit Kumar Srivastava recorded before the police which has no evidentiary value in the eye of law. He further submits that though the injury of the informant's mother is found to be grievous but, the same was neither caused by the petitioner nor attributed against him. The alleged motorcycle also does not belong to the petitioner. There is no specific allegation against the petitioner, rather allegation is general and omnibus in nature. It is submitted that allegations do not corroborate with the injury report, as only mother of the informant has sustained single fire arm injury. Other co-accused Devendra Sahani has already been granted bail by this Court *vide* order dated 21-09-2024, passed in Cr. Misc. No. 50038 of 2024. Co-accused Vikram Kumar has also been granted bail by this Court *vide* order dated 24.01.2025 passed in Cr. Misc. No. 3202 of 2025. The petitioner has one criminal antecedent as has been stated in paragraph no.3 of the present anticipatory bail application. The petitioner has no



concern with the alleged occurrence.

5. Learned counsel for the petitioner further submits that the co-accused have been granted regular bail by this Court vide orders dated 13.05.2025 and 09.07.2025 passed in Cr. Misc. Nos. 32543 of 2025 and 31544 of 2025 respectively.

6. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

7. Considering the entire facts and circumstances of the case and taking into account the submissions made by the learned counsel for the petitioner, let the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.15,000/- (Rupees Fifteen Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Town P.S. Case No. 299 of 2024, subject to the conditions as laid down under Section 482 (2) of the B.N.S.S.

(Rudra Prakash Mishra, J)

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