

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70806 of 2025

Arising Out of PS. Case No.-193 Year-2024 Thana- GWALPARA District- Madhepura

1. Aftab Alam @ Aktab Amal, aged about 20 years (M) Son of Rasid Khan Resident of village- Jotmanohar (Jotmanotar), ward no 14, PS- Gwalpara, District- Madhepura
2. Rasid Khan aged about 37 years (M) S/o Hashim Khan Resident of village- Jotmanohar (Jotmanotar), ward no 14, PS- Gwalpara, District- Madhepura
3. Md. Gulzar @ Md. Gulzar Alam, aged about 21 years (M) S/o Mir Azad R/o vill - Jhanjhari, ward no. 12, P.S.- Gwalpara, Distt.- madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pawan Kumar, Advocate
For the Opposite Party/s : Mrs.Gulnar Begum, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 08-10-2025 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

2. The petitioners apprehend arrest in connection with Gwalpara PS. Case No.193 of 2024 dated 20-09-2024, instituted under Sections 103(1), 61 and 3(5) of the BNS and Section 27 of the Arms Act.

3. The prosecution case, in short, is that on 18.09.2024, the informant's husband, Md. Farooque, went to visit his paddy field and orchard while she was also out for a morning walk. As he reached the field, co-accused Meer Azad, Feku Khan, Samim Alam @ Fulo Khan, and Salauddin, armed



with country-made pistols, opened fire on him. It is alleged that bullets fired by Meer Azad and Samim Alam @ Fulo Khan, hit his rib cage and upper body, while bullets fired by Fenu Khan and Salauddin missed him. As a result, he succumbed to his injuries and died at the spot. As per the written report, the FIR named accused persons, including the petitioners, alleging that they conspired to murder the informant's husband, Md. Farooque.

4. Learned counsel for the petitioners submits that the petitioners are innocent and they have been falsely implicated in the present case. It is further submitted that twenty-three persons, including the petitioners, have been named as accused in the instant case. There is no specific allegation against the petitioners; rather, the allegations levelled against them are general and omnibus in nature. The specific allegation of firing at the informant's husband is attributed to the co-accused Meer Azad, Feku Khan, Samim Alam @ Fulo Khan and Salauddin. It is further submitted that similarly situated co-accused persons, namely Meer Akhtar, Jarina Khatoon, Md. Babul Khan @ Babul Kha @ Md. Babul @ Babul Khan, Sultan Khan and Lalo Khan have been granted anticipatory bail by this Court as well as a Co-ordinate Bench of this Court vide orders dated 02-04-2025



and 18-07-2025, passed in Criminal Miscellaneous Nos. 12655 of 2025, 13674 of 2025, 15489 of 2025, and 43979 of 2025 respectively. Lastly, it is submitted that the petitioners have no criminal antecedents.

5. Learned APP has opposed the prayer for bail.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioners be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned J.M.1st Class Udakishunganj, Dist. Madhepura/ successor Court Madhepura, in Gwalpara PS. Case No.193 of 2024, subject to the conditions laid down in Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita 2023.

7. The application stands allowed.

(Khatim Reza, J)

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