

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.81371 of 2024**

Arising Out of PS. Case No.-20 Year-2001 Thana- ALIPUR District- Gaya

Tanveer Alam S/O Late Md. Murtaja Resident of Village- Ridpura, P.S-  
Alipur, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

|                          |   |                                   |
|--------------------------|---|-----------------------------------|
| For the Petitioner/s     | : | Mrs. Vaishnavi Singh, Advocate    |
| For the Opposite Party/s | : | Mr. Uma Shankar Prasad Singh, APP |
| For the Informant        | : | Mr. Arvind Kumar Singh, Advocate  |

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH  
MISHRA**

ORAL ORDER

5      06-03-2025                      Heard learned counsel for the petitioner, learned  
counsel for the informant and learned APP for the State. Perused  
the case diary.

2. The petitioner seeks bail in connection with Alipur  
P.S. Case No. 20 of 2001 instituted for the offences under  
Sections 147, 148, 149, 307, 302, 323, 324, 452, 380 of the  
Indian Penal Code, 27 of the Arms Act and 3/4 of the  
Explosives Act.

3. Prosecution case, in short, is that a group of armed  
men, led by accused Mujatba Alam and Tanveer Alam  
(petitioner herein) entered the informant's house after firing  
shots and hurling bombs, injured him and his daughter. It is  
further alleged that they also looted valuables from the



informant's house.

4. Learned counsel for the petitioner submitted that the petitioner is innocent and has falsely been implicated in the present case due to admitted land dispute between the parties. Learned counsel further submitted that there is no specific allegation attributed to this petitioner of firing upon the deceased. The only specific allegation against the petitioner is that he fired upon the informant but there is no injury report to substantiate the claim that the petitioner fired upon the informant which casts doubt over the story set by the prosecution and, thus, Section 307 of the IPC is not attracted against the petitioner. The specific allegation of firing upon the deceased is attributed to co-accused persons namely Muztaba Alam, Anantu Pathak. The accused Muztaba Alam, Anantu Pathak, Bishu Chaudhary and Sikander Chaudhary, were put on trial and out of them, Muztaba Alam, Anantu Pathak have been convicted whereas the rest accused persons have been acquitted by the learned court below. Learned trial Judge has categorically stated in paragraph-11 of the said judgment that no offence under Section 307 of the IPC can be made out against the other co-accused namely Bishu Chaudhary and Sikander Chaudhary without there being any corroborating injury report.



Learned counsel further submitted that petitioner is a working man and lives outside the state for earning his livelihood. It has been submitted on behalf of the petitioner that the petitioner is in custody since 24.07.2024 and has no criminal antecedent. The co-accused person has already been granted bail by a coordinate Bench this Court vide order dated 16.05.2014 passed in Cr. Misc. No. 9278 of 2014.

5. Learned A.P.P. for the State and learned counsel for the informant vehemently opposed the prayer for grant of bail to the petitioner stating that this petitioner along with other co-accused persons entered the house of the informant and fired upon the informant. Learned APP for the State and learned counsel for the informant, therefore, pray that the petitioner may not be released on bail.

6. Considering the aforesaid facts and circumstances of the case, there being no injury report to support the allegation as levelled against the petitioner in the FIR as also the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail, ***after framing of charge, if not already framed***, on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount



each to the satisfaction of Court below/concerned Court in connection with Alipur P.S. Case No. 20 of 2001, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(III) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

8. Learned Trial Court is directed to expedite the trial without any undue delay and unnecessary adjournment.

**(Rudra Prakash Mishra, J)**

Alok Verma/-

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