

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.87240 of 2024

Arising Out of PS. Case No.-701 Year-2024 Thana- ARA NAGAR District- Bhojpur

1. Md. Shahnawaz Ahmad @ Jali Guddu @ Shahnawaz @ Guddu S/O Mohammad Kalimuddin R/O Village- Singahi Kalan, P.S- Arrah Town, Distt.- Bhojpur.
2. Md. Alamagir S/O Late Mohammad R/O Village- Singahi Kalan, P.S- Arrah Town, Distt.- Bhojpur.
3. Md. Tanwir Akhtar S/O Md. Kalimuddin R/O Village- Singahi Kalan, P.S- Arrah Town, Distt.- Bhojpur.
4. Ashif Ahmad S/O Md. Abunashar R/O Village- Singahi Kalan, P.S- Arrah Town, Distt.- Bhojpur.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Rana Vikram Singh, Advocate Mr. Shashank Chandra, Advocate
For the Opposite Party/s	:	Mr. Arun Kumar Pandey, A.P.P. Mr. N.A. Shamsi, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 10-02-2025 Heard learned counsel for the petitioners, the State and the informant.

2. Petitioners apprehend arrest in a case registered for the offence punishable under sections 109, 61(2) of the Bhartiya Nayay Sanhita and section 27 of the Arms Act.

3. The prosecution case, as alleged by the informant, is that he works as a broker of land and in the year 2023, informant purchased 5 katha of land from his cousin sister Mashuda Khatoon through registered sale-deed and thereafter, in the month of September, the informant went over the said



land for carrying its measurement where these petitioners restrained informant from measurement of land, scuffled with him and also threatened him with dire consequences. It is further alleged that on 24.10.2024 at about 10.15, while the informant was going to the shop of Appu Singh on his scooty and reached near Birganj Barrier, three miscreants riding on motorcycle covering their faces fired upon informant, which hit his leg, as a result of which, informant fell down from his scooty and when informant tried to flee away, all the accused persons fired upon him, on account of which, informant sustained fire-arm injuries. It is further alleged that few distance away, these petitioners were hiding themselves and were following the informant.

4. Learned counsel for the petitioners submits that from bare perusal of the F.I.R., it is apparent that there is no allegation of firing against these petitioners. Only allegation against these petitioners is that they were standing few distance away from the place of occurrence. Petitioners have been falsely implicated in this case in order to settle a land dispute. He further submits that all the petitioners were at different place and were carrying their vehicles, but since the informant had motive to falsely implicate these petitioners, he (informant) has



levelled a false allegation against them (petitioners) that they were present at the place of occurrence where the incident took place.

5. Learned counsel for the informant opposes the prayer for bail and submits that during course of investigation, it has come that petitioner no. 1 had given Rs. 4 lakh to the miscreants to commit the offence.

6. In reply thereto, learned counsel for the petitioners submits that the confessional statement of accused person has got no evidentiary value in the eye of law and in the case diary, it has not come that on what date and in whose presence, the aforesaid money has been paid to them and as such, it can't be believed.

7. Considering the fact that there is no allegation of overt act against these petitioners and other facts & circumstances of the case, the prayer for anticipatory bail of all the petitioners is allowed.

8. Accordingly, in the event of arrest/surrender within eight weeks from today, let these petitioners, as named above, be enlarged on bail on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Bhojpur at Ara in



connection with Ara Town Police Station Case No. 701 of 2024,
subject to the conditions laid down under section 482 of the
Bhartiya Nagrik Suraksha Sanhita, 2023.

Shashi/Anay

(Prabhat Kumar Singh, J)

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