

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5432 of 2026

Arising Out of PS. Case No.-274 Year-2023 Thana- RANIGANJ District- Araria

1. Wasik @ Md. Wasik S/O Md. Sarfuddin Resident of Ward No- 4, Parmandpur, P.S- Raniganj, District- Araria.
2. Md. Chalu @ Chalu @ Md. Shamshir Alam @ Shamshir @ Md. Shamsher Alam S/O Md. Mojin Resident of Ward No- 4, Parmandpur, P.S- Raniganj, District- Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjeet Choubey
For the Opposite Party/s : Mr.Md. Fahimuddin

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 29-04-2026 1. Heard learned counsel for the petitioners and learned A.P.P. for the State.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 147, 149, 302, 120(B) of the Indian Penal Code and Section 27 of the Arms Act

3. Learned counsel for the petitioners submits that the petitioners are persons with clean antecedent and the informant alleges that on 2-7-2023 at 3 pm, the cow of Sirajuddin entered the field of Wasik, when son of Sirajuddin namely Safique went to bring his cow back, when Wasik, Mainuddin and Jamil started abusing and assaulted Safique by lathi, further when Safique



started fleeing, accused Wasik, Mainuddin and Jamil came from behind chasing him and started firing, seeing the crowd which has gathered at the place of occurrence, when the occurrence of assault had taken place, further Md. Arshad gave orders to continue with firing, next alleges that Wasik and Jamil fired at Md. Moin, thereafter Wasik again fired causing fire-arm injury on neck of Moin, thereafter Jamshed shot Arbaz by arrow causing injury on finger of leg and Moin died.

4. Learned counsel for the petitioners submits that petitioners have been falsely implicated in the instant case by the informant. It is next submitted that police after investigation came to a considered conclusion that petitioners are innocent thus submitted final form (Annexure-2) in their favour exonerating the petitioners of the allegation, but then learned trial court differing with the police report, took cognizance hence petitioners apprehend arrest. The learned counsel for the petitioner next submits that when one investigating agency after threadbare investigation came to a considered conclusion that petitioners are innocent, whether it would be prudent for the court to send the petitioners to jail based on an order of cognizance which came to be taken based on the same police report which exonerated the petitioners of the allegations. It is



also submitted that if privilege of anticipatory bail is granted to the petitioners, the petitioners will not abscond rather will cooperate in the trail to prove his innocence.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners, but then is not in a position to rebut the submission of the learned counsel appearing on behalf of the petitioners that police after investigation submitted final form exonerating the petitioners of the allegations.

6. After hearing the learned counsel for the parties, the petitioners above-named, in the event of their arrest or surrender within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. Rs.25000/- (Rupees twenty five thousand) each with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Raniganj P.S. Case No.274/2023 subject to the conditions as laid down under Section 482 (2) of the BNSS.

7. One of the bailors of the petitioners shall be their respective fathers, namely, Md. Sarfuddin and Md. Mojin.

8. However, it is made clear that in the event, if the learned trial court comes to a conclusion that petitioner after obtaining anticipatory bail is trying to delay the framing of



charge or after framing of charge is delaying the trial in any manner, in both the conditions the learned trial court shall be at liberty to cancel the bail bonds of the petitioner.

(Satyavrat Verma, J)

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