

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25099 of 2017

Arising Out of PS. Case No. -32 Year- 2017 Thana -AHIAPUR District- MUZAFFARPUR

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Md. Irfan Alam, Son of Md. Saffiullah, Resident of Village-Damodarpur,
P.S.-Kanti, District-Muzaffarpur, Bihar

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance:

For the Petitioner : Mr. Surendra Kumar Singh,
Mrs. Sudha Chandra, Advocates

For the Opposite Party : APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

3 01-07-2017 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner is in custody since 20.02.2017 in connection with Ahiyapur P.S. Case No. 32 of 2017 for the alleged offences under Section 392 of the Indian Penal Code.

3. It is submitted that the petitioner has been falsely implicated on mere suspicion and he is not named in the F.I.R. and the F.I.R. is against unknown persons. No test identification parade has been conducted for his identification. Nothing incriminating articles has been recovered from his conscious possession and he has been implicated merely on the extra-judicial confessional statement of co-accused Satyam Kumar. There is no other criminal case prior the present case instituted against the petitioner but however subsequently Ahiyapur P.S. Case No. 66 of 2017 has been instituted in which he has been granted bail. Similarly situated co-accused Khurshid Alam alias Guddu has been granted bail by 3rd Additional District and Sessions Judge, Muzaffarpur in Bail Petition No. 720 of 2017.



4. Be that as it may, having regard to the entirety of the facts and circumstances of the case, let the petitioner above named be released on bail on furnishing bail bond of Rs.10,000/-(ten thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Muzaffarpur in connection with Ahiyapur P.S. Case No. 32 of 2017 on the following conditions:-

(i) That one of the bailors shall be a close relative of the petitioner.

(ii) That the petitioner shall not indulge in any similar offence till conclusion of the trial.

(iii) That the petitioner shall cooperate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(iv) That the petitioner shall remain physically present in court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, his bail bond shall be liable to be cancelled by the learned Court concerned.

(Vikash Jain, J)

Md. Ibrarul/BT

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