

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67895 of 2019

Arising Out of PS. Case No.-812 Year-2018 Thana- BETTIAH CITY District- West
Champaran

MD. IRFAN @ IRFAN, 30 Y/M, S/o Shamiullah @ Hamidullah, R/o
Mohalla- Kalibag, Miskar Toli, P.S.- Bettiah Town (Kalibag O.P.), District-
West Champaran.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr.Umesh Chandra Verma, Advocate.
For the Opposite Party : Mr.Syed Mojibur Rahman, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 24-10-2019 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner seeks bail in a case for the offence
registered under Sections 341, 323, 324, 307, 387, 379, 447/34
of the IPC.

The prosecution story, in brief, is that on the basis of
written report dated 15.09.2018 submitted by Md. Shamsheer to
the Station House Officer, City Town Kalibagh (O.P.) Police
Station, Bettiah, is to the effect that Md. Irfan (petitioner)
demanded extortion of Rupees Two Lacs. On protest being
made, he was given life threatening. On 14.09.2018 at 8.00 P.M.
during Muharram procession, petitioner alongwith four other
accused persons came variously armed and again demanded



extortion, on refusal of the same, petitioner assaulted on the abdomen of the brother of the informant, Md. Rehan with knife, whereas, co-accused Md. Imran and co-accused Raj Imam assaulted on the neck of the mother of the informant with knife and handle of hand pump. It is further alleged that co-accused Sahnawaz and Arman assaulted on the thigh and hand of the father of the informant with knife, whereas, Md. Irsad assaulted on the hand of the informant with knife. It is further alleged that petitioner resorted to fire on the head of the informant, but it did not hit anyone. The accused persons also took away cash amount of Rs. 28,000/- and jewellery from the house of the informant.

It has been submitted by learned counsel for the petitioner that the petitioner is languishing in custody since 30.08.2019. The petitioner has got no criminal antecedent. The petitioner has falsely been implicated in the present case. Charge sheet has been submitted in the present case. There is no allegation of tampering with the witnesses alleged against the petitioner. There is case and counter case between the parties. The alleged occurrence has taken place due to petty reason on the occasion of *Muharram Procession*. The injury report does not disclose whether the injury is grievous or simple. In absence



of such medical finding, it would difficult to ascertain whether
Section 307 of the IPC is made out or not.

On behalf of the State, it is submitted that the
petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances, let
the petitioner above named, be released on bail on furnishing
bail bonds of Rs.10,000/- (Ten Thousand) with two sureties of
the like amount each to the satisfaction of the learned C.J.M.
West Champaran, Bettiah, in connection with Bettiah Town
(Kalibag O.P.) P.S. Case No. 812 of 2018.

(Sudhir Singh, J)

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