

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Cr. Misc. No. 4602 of 2020**

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Md. Farhan, son of Shamshad Mistry, resident of Fakirtakya Gali, Petrol Pump. Tatarpur, Police Station-Tatarpur, District-Bhagalpur.

... .. Petitioner

Versus

The State of Bihar

.. ... Opposite Party

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**Appearance :**

For the Petitioner : Mr. Md. Najmul Hodda, Advocate

For the Respondent State: Mr. Ajay Kumar No.2, APP

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**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH**

ORAL ORDER

5      27-08-2020                      Heard Mr. Md. Najmul Hodda, learned counsel appearing on behalf of the petitioner and Mr. Ajay Kumar No.2, learned Additional Public Prosecutor, for the State of Bihar.

This application for grant of regular bail arises out of Tatarpur P.S. Case No. 48 of 2019, registered for the offence punishable under Section 394 of the Indian Penal Code and Section 27 of the Arms Act.

There is allegation in the written report of the informant, which is the basis for registration of the F.I.R., that the miscreants, three in number, entered into the informant's shop and took away from the counter, cash of Rs.30,000/- at gun point. When the informant resisted, they had allegedly opened fire. The F.I.R. was registered against unknown. In course of investigation, the name of the petitioner surfaced. It transpires



that the petitioner's name has surfaced on the basis of confessional statement of co-accused.

Learned counsel for the petitioner has submitted that except the confessional statement of the said co-accused, there is no material against the petitioner, who has not so far been put on T.I. parade. He has also submitted that a co-accused Md. Rahmat Qureshi @ Rahmat has been allowed bail by this Court.

It transpires from the statement made in paragraph 3 of the application that the petitioner has been named in three more cases of serious nature.

In such circumstance, considering the gravity of the offence and the petitioner's criminal history, I am not inclined to grant him regular bail for the present. The petitioner shall, however, be at liberty to renew his prayer for bail after six months, if, in the meanwhile, there is no substantial progress in the trial.

This application is accordingly rejected.

It is directed that the defect(s) in the application, pointed out by the Registry, must be removed within two months.

Since there is a lock down, the Court has considered it appropriate to adopt following procedure for communication of the present order :-



(i) The order, which has been dictated during the course of the proceedings of virtual Court, shall be communicated to me on my e-mail I.D. by the Secretary.

(ii) The corrected copy of the order shall be transmitted by me from my e-mail I.D. to the Secretary, which shall be treated to be the authentic copy of the order passed by this Court today in the present proceeding.

(iii) Hard copy of the order, duly signed by me, shall be preserved in my residential-office for documentation and future use, if any.

(iv) Let a copy of the order be communicated to the learned Court below through e-mail or any other appropriate electronic mode by the Registry.

Let steps be taken by the Registry for uploading of the present order without compromising with the norms of social distancing.

**(Chakradhari Sharan Singh, J)**

Pawan/-

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