

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28136 of 2021

Arising Out of PS. Case No.-337 Year-2020 Thana- BAHADURGANJ District- Kishanganj

MD. IZHAR @ IZHAR S/O Late Ishaque R/O Village Rampur, P.O. -
Natwapara, P.S. - Bahadurganj, District - Kishanganj.

... .. Petitioner/s

Versus

The state of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mrityunjay Kumar, Adv.

For the Opposite Party/s : Mr. Parmanand Kumar, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 09-12-2021

Heard.

The petitioner seeks regular bail in connection with Bahadurganj P.S. Case No. 337 of 2020 for the offence punishable under Sections 399/402 of the Indian Penal Code and Section 25 (1-b)a/26/35 of the Arms Act.

The allegation is regarding the police having apprehended the accused persons including the petitioner herein and thereafter upon a search having been made, the co-accused person Ram Kumar had disclosed that he along with the petitioner and other co-accused persons were preparing to commit dacoity. It is further alleged that upon search, one loaded country made pistol was recovered from the co-accused person Ram Kumar.

The learned counsel for the petitioner has



submitted that the petitioner is innocent, has been falsely implicated in the present case and is languishing in custody since 25.12.2020. The learned counsel for the petitioner has further submitted that the co-accused person Ram Kumar has already been granted bail by a co-ordinate Bench of this Court vide order dated 13.08.2021 passed in Cr. Misc. No. 30181 of 2021.

Per contra, Shri Permanand Kumar, the learned APP appearing for the State has vehemently opposed the prayer for regular bail, made by the petitioner.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record as also considering the fact that the main accused person namely Ram Kumar has already been granted bail by a co-ordinate Bench of this Court and no arms have been recovered from the petitioner, I deem it fit and proper to direct for release of the petitioner on regular bail.

Accordingly, the petitioner, above named, is directed to be released on regular bail on furnishing bail-bonds of Rs. 10,000/- with two sureties of the like



amount each to the satisfaction of learned C.J.M.,
Kishanganj in connection with Bahadurganj P.S. Case
No. 337 of 2020.

(Mohit Kumar Shah, J)

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