

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32622 of 2021**

Arising Out of PS. Case No.-628 Year-2020 Thana- FORBESGANJ District- Araria

MD. IRSHAD @ MICHEL @ MD IRSAD S/o Ansarul Haque R/o Village-
Sayranagar, P.S.- Forbesganj, District- Araria.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Navjot Yesu, Advocate

For the Opposite Party/s : Mr. Ashok Kumar, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER**

3 21-12-2021 Heard Mr. Navjot Yesu, learned counsel for the

petitioner and Mr. Ashok Kumar, learned Additional Public

Prosecutor appearing for the State.

Petitioner seeks regular bail in connection with
Forbesganj P.S. Case No. 628 of 2020 registered for the offences
punishable under Sections 25(a)(C/A) (1AA)(1B) ab, 26(1)(2)
and 35 of the Arms Act.

The prosecution story is that the First Information
Report has been registered on the basis of confessional
statement of co-accused Md. Afroz and on the basis of the said
confessional statement, the Police has recovered the stolen 9
mm pistol of SHO Forbesganj.

Learned counsel for the petitioner submits that the
petitioner has not committed any offence in the manner alleged



and he has falsely been implicated in this case on the basis of confessional statement made by the co-accused Md. Afroz, in which, he has stated that the petitioner has allegedly fired upon one Bikash Kumar Pasesn from the said pistol, for which, a separate First Information Report has been lodged bearing Forbesganj P.S. Case No. 627 of 2020. The petitioner has been granted bail in the said case by a co-ordinate Bench of this Court vide order dated 4.9.2021 passed in Cr. Misc. 34804 of 2021. Learned counsel next submits that no firearm or cartridge has been recovered from conscious possession of the petitioner and he is in custody since 4.8.2020.

On the other hand, learned counsel for the State submits that the confessional statement of co-accused has led to recovery of the pistol which was also used by the petitioner as would be evident from perusal of the First Information Report.

Regards being had to the submission made by the parties and taking into consideration the materials on record, the fact that the petitioner is in custody since 4.8.2020, charge sheet has already been submitted and the firearm in question has not been recovered from conscious possession of the petitioner, I am inclined to grant regular bail to the petitioner.

Accordingly, let the petitioner, above named, be



released on regular bail on furnishing bail bonds of Rs.20,000/-
(Twenty thousand) with two sureties of the like amount each to
the satisfaction of learned Chief Judicial Magistrate, Araria, in
connection with Forbesganj P.S. Case No. 628 of 2020.

It is made clear that at the time of furnishing bail
bonds all the parties shall follow the guidelines regarding social
distancing.

(Anil Kumar Sinha, J)

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