

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19805 of 2021**

Arising Out of PS. Case No.-532 Year-2020 Thana- NARPATGANJ District- Araria

MD. IMTIYAZ Son of Md. Allauddin Resident of Village - Khairagarhia,
Ward No. - 14, P.S. - Narpatganj, Dist.- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ramesh Kumar Singh, Adv

For the Opposite Party/s : Mr.A.P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

4 10-01-2022 Heard learned counsel for the petitioner and the
learned A.P.P. for the State in virtual Court proceeding.

The petitioner seeks bail in connection with Narpatganj P.S.Case No. 532 of 2020 registered for the offence under Sections 399, 402, 307,34 of the Indian Penal Code and Sections 25(a), (1A)/ (1AA)/(1B)/ab,26(i)(2)/27(1)(2)of the Arms Act.

The prosecution case in short is that on 02.12.2020, on getting secret information, the informant alongwith police team raided the PACS godown of Bablu Yadav in presence of two independent witnesses. But seeing the police team, the miscreants started fleeing from there. When the police tried to apprehend the miscreants one of the miscreants made firing on the police team and another pushed another constable and both



the miscreants escaped. Thereafter the informant entered into the Godown and saw three miscreants hiddeen in the room and the police team caught three miscreants who disclosed their name as Mithilesh Yadav, Md. Imtiyaz (Petitioner) and Mithilesh Kumar Yadav. On being search of their person, one loaded country made pistol and an empty magazine alongwith two mobile has been recovered from possession of petitioner and from possession of Mithilesh Yadav, two mobiles and one mobile has been recovered from possession of Mithilesh Kumar Yadav. The apprehended accused disclosed the name of his associates who managed their escape as Ashish Yadav, Bablu Yadav @ Bishwa Vijay Yadav and the name of their third associates is known to Ashish Yadav who made fire upon the police by his pistol at the time of fleeing from there. The miscreants also disclosed a fact that they all came there by Maruti Car of accused Mithilesh Yadav and two miscreants Ashish Yadv with his another associates had come by Pulshar motorcycle who left the motorcycle and managed to escape from the spot. They all assembled and were planning to commit vehicle loot at NH 57. On the disclosure of apprehended accused persons, the police also recovered an empty cartridge from the spot.



Learned counsel appearing for the petitioner submits that the petitioner has clean antecedent. He has falsely been implicated in the present case. He further submits that it appears from the FIR itself that one country made pistol and one live cartridge have been recovered from possession of the petitioner. He further submits that as per the FIR the allegation of the open firing is against the co-accused persons. Petitioner is in custody since 04.12.2020.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

Considering 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 the like amount each to the satisfaction of learned Chief Judicial Magistrate, Araria in connection with Narpatganj Police Station Case No.532 of 2020 with the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.



(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

Nitesh/-

U		T	
---	--	---	--

