

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28130 of 2022

Arising Out of PS. Case No.-471 Year-2021 Thana- BIHAR District- Nalanda

Md. Irfan @ Fanu, Son of Md. Farman, Resident of Mohalla - Badi Dargah,
P.S.- Bihar, District - Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bindeshwar Prasad Singh, Advocate
For the State : Mrs. Sangeeta Sharma, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 18-07-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Bihar P.S. Case No. 471 of 2021 registered for the alleged offences under Sections 392 412 and 395 of the Indian Penal Code.

The Prosecution case is that the informant and his cousin were carrying Rs. 2,00,000/- and Rs. 3,75,000/- in their bags, respectively on an electrical auto and they were waylaid and robbed by unknown miscreants of their money.

The learned counsel for the petitioner submits that the



petitioner is innocent and has been falsely implicated in this case. He has not been named in the FIR and no recovery has been made from his conscious possession. Till date, no Test Identification Parade has been held. Name of the petitioner transpired during investigation in confessional statement of co-accused and nothing of any substance came up during investigation against this petitioner. Co-accused Md. Asif has been granted bail by a Co-ordinate Bench of this Court vide order dated 15.04.2022 passed in Cr. Misc. No.64937 of 2021. Another co-accused Mohit Kumar has also been granted bail by a Coordinate Bench of this Court vide order dated 16.06.2022 passed in Cr. Misc. No. 11785 of 2022. The petitioner is in custody since 27.10.2021 and the charge sheet has been submitted in this case.

Learned APP opposes the prayer for bail submitting that the name of the petitioner transpired in the confessional statement of co-accused. Learned APP further submits that the petitioner is also an accused in Bihar P.S. Case No. 566 of 2021 under Sections 412 and 34 of the Indian Penal Code.

Having regard to the submissions made hereinabove and considering the fact that nothing incriminating has been shown to be recovered from this petitioner and further



considering the period of his custody, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Nalanda, in connection with Bihar P.S. Case No. 471 of 2021, subject to the following conditions :

(i) The bail bond of the petitioner will be accepted only after framing of charge, if not already framed.

(ii) One of the bailors will be a close relative of the petitioner.

(iii) The petitioner will remain present on each and every date fixed by the court below.

(iv) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

Balmukund/-
Shweta/-

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