

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31604 of 2022

Arising Out of PS. Case No.-85 Year-2022 Thana- JOKIHAT District- Araria

MD. IMRAN @ GUDDU @ MD. IMRAN ALAM S/o Md. Shamshad Alam
Resident of Village- Prasadpur, Dumaria, Ward No.05, P.S.- Mahalgown
(Jokihat), District- Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Rajesh Kumar Singh, Sr. Advocate Mr. Ranjeet Choubey, Advocate
For the Opposite Party/s	:	Mr. Nitya Nand Tiwary, APP
For the Informant	:	Mr. N.K. Agarwal, Sr. Advocate Mr. Amanul Haque, Advocate Mr. Kumar Rajdeep, Advocate

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 19-09-2022 Heard learned senior counsel appearing on behalf of
the petitioner and learned counsel appearing on behalf of the
State as well as learned counsel for the informant.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Jokihat
P.S. Case No. 85 of 2022 registered for the offence under
Sections 363 & 365 of the Indian Penal Code and later on,
Section 302, 201, 120(B) and 34 of the Indian Penal Code were
also added.

The accused/petitioner is not named in the F.I.R. and
is in custody since 23.02.2022.



The allegation against the petitioner is to commit kidnapping and murder the son of the informant, along with other co-accused persons.

Learned senior counsel appearing on behalf of the petitioner submitted that name of the petitioner surfaced on the basis of confessional statement of co-accused, namely, Md. Imtiyaz, and in furtherance thereof, nothing incriminating surfaced during course of investigation, which may connect this petitioner with the present set of kidnapping and murder. It is further submitted that petitioner is not connected in any manner with Apache motorcycle, which was alleged to be recovered in furtherance of confessional statement and alleged to be used by this petitioner in present occurrence, for the reason, that registration certification (RC) of alleged Apache motorcycle stands in the name of one, Intasar Alam. While concluding the argument, it has been submitted that petitioner is a man of clean antecedent, moreover, investigation of this case is complete, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP duly assisted by learned senior counsel appearing on behalf of the informant, while opposing the prayer of bail, fairly conceded that petitioner is not named in the FIR



and registration certificate (RC) of Apache motorcycle stands in the name of one, Intasar Alam.

Considering the facts and circumstances as mentioned above, as nothing incriminating surfaced during the course of investigation, which may connect petitioner, *prima facie*, with present set of occurrence, where petitioner not appears owner of recovered motorcycle coupled with the fact that charge-sheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Jokihat P.S. Case No. 85 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M, Araria/concerned court, subject to the conditions as laid down u/s 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

R.S.Sen/-

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