

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47997 of 2021**

Arising Out of PS. Case No.-45 Year-2021 Thana- SIWAN MUFFASIL District- Siwan

MD. RAJA @ IFTEKHAR ALAM Son of Syed Nijamuddin Resident of
Village- Baletha, P.S.- Siwan Muffasil, District- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Tiwary, Adv.

For the Opposite Party/s : Mr.Raj Kishore Singh, APP

**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER**

2 24-01-2022 The instant case has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID 19 Pandemic, requiring social distancing.

Heard the learned counsel for the petitioner and the learned APP for the State, Sri Raj Kishore Singh.

The petitioner seeks regular bail in connection with Siwan Muffasil P.S. Case No. 45 of 2021, registered 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 received a secret information that 8 unknown miscreants, variously armed, were preparing to commit loot whereafter, the informant along with his police force had arrived at the place of occurrence and found 8 unknown miscreants armed with country made pistol standing there, however, upon seeing the police jeep, they started fleeing away, but upon chase, four accused persons including the petitioner herein were arrested. As far as the petitioner is concerned, upon search, one live cartridge was recovered from his possession.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case, he is having a clean antecedent and he is languishing in custody since 2.2.2021. The learned counsel for the petitioner has further submitted that the petitioner has been falsely implicated in the present case merely on suspicion and in fact, no



occurrence, as alleged, had ever taken place. It is also submitted that no circumstance has transpired in the present case showing participation of the petitioner in any sort of dacoity or loot.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the materials available on record as also considering the fact that the petitioner is not alleged to have committed any crime apart from the fact that the petitioner is languishing in custody since 2.2.2021, I deem it fit and proper to direct for release of the petitioner on regular bail.

Accordingly, the above named petitioner is directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned J.M.1st Class, Siwan in



connection with Muffasil P.S. Case No. 45 of 2021.

(Mohit Kumar Shah, J)

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