

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44471 of 2022

Arising Out of PS. Case No.-65 Year-2022 Thana- BHELDI District- Saran

Md. Irfan, Son of Md. Reyazuddin, Resident of village- Pokharpur, P.S- Parsa
, Dist- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Virendra Kumar, Advocate

For the Opposite Party/s : Mrs.Madhuri Lata, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 19-12-2022 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.

In the present case, the petitioner seeks bail in
connection with Bheldi P.S. Case No. 65 of 2022 registered for
the alleged offences under Sections 399, 402, 413 and 414 of the
Indian Penal Code and Sections 25(1-b)a, 26 and 35 of the Arms
Act.

As per prosecution case, police received secret
information about gathering of large number of criminals for
committing some big crime. They were surrounded and when
they tried to escape, police chased them and apprehended two
co-accused persons and from their possession, recovery of



firearms and munitions were made. These apprehended co-accused persons named the petitioner along with other co-accused persons who fled away from the spot. Further, raid was conducted on the house of the petitioner and from the house of this petitioner four motorcycles were seized and the seized motorcycles are stated to be stolen.

The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. He was not apprehended from the spot and nothing incriminating has been recovered from his conscious possession. The petitioner runs a repairing shop of motorcycle and the recovery of the motorcycles was made from his garage. Petitioner was not knowing the antecedent of these motorcycles. Police lodged four cases for recovery of the motorcycles and it has been shown in the criminal antecedent of the petitioner. The petitioner is in custody since 15.03.2022 and the charge-sheet has been submitted in this case.

Learned APP opposes the prayer for bail submitting that the petitioner is accused in a number of cases of theft.

Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the period of custody of the petitioner along with submission of



charge-sheet against him, 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 Judicial Magistrate-1st Class, Chapra in connection with Bheldi P.S. Case No. 65 of 2022, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions :

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) 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)

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