

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52605 of 2021

Arising Out of PS. Case No.-49 Year-2021 Thana- MIRGANJ District- Gopalganj

Irfan Ali Son Of Ahmad Hussain @ Mohammad Ahamad @ Md. Ahmad
Resident Of Village - Lakari Dargah, P.S.- Barhariya, Distt.- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

5 22-08-2022 Heard learned counsel for the petitioner as well

as learned Additional Public Prosecutor for the State

Petitioner seeks bail in a case registered in connection with Mirganj P.S.Case No. 49 of 2021 for the offences punishable under Sections 414/34 of the Indian Penal Code and sections 25(1-b), aa, 26,35, of the Arms Act.

As per the prosecution case, it is alleged that on the basis of written report, Mirganj P.S.Case No. 48 of 2021 was registered for the offences under section 364(a), 120B/34 of the Indian Penal Code on 08.02.2021 against the unknown persons regarding kidnapping of the son of the informant and during the course of investigation, the



police apprehended a Scorpio, which was found driven by the petitioner and two other persons were found sitting in the said vehicle. On search an automatic pistol and live cartridge was recovered from accused Sagar Kumar @ Munna and other belongings of the kidnapped boy was also recovered from the said vehicle.

Learned counsel appearing on behalf of the petitioner submits that with regard to kidnapping of the victim boy a separate case was lodged as Mirganj P.S. Case No. 48 of 2021, however, on the same day the victim boy was recovered and he did not disclose the name of the petitioner. It is further submitted that save and except the allegation that petitioner was driver of the said Scorpio, there is no other material against him. No allegation of any overt act has been attributed against the petitioner. It is next submitted that neither any fire arm has been recovered from possession of the petitioner nor the petitioner has any concern with the vehicle and is in custody since 18.03.2021 and except Mirganj P.S. Case no. 48 of 2021, petitioner has no other criminal antecedent.

On the other hand, learned counsel for the State



vehemently opposed the bail application and submits that petitioner happens to be the driver of the Scorpio which is said to have been used for the purpose of kidnapping of the victim boy.

Having heard the rival contentions of the parties and taking into consideration the fact that with regard to the kidnapping of the victim, one separate case was lodged and so far as this case is concerned, no incriminating material has been recovered from person or possession of the petitioner and he is in custody since 18.03.2021, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate- XVI, Gopalganj in connection with Mirganj P.S. Case No. 49 of 2021 subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date



of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

N.K/-

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

