

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44917 of 2022

Arising Out of PS. Case No.-684 Year-2021 Thana- KANTI District- Muzaffarpur

MD. IRSHAD @ IRSHAD ALAM @ MD. IRSAD ALAM S/O LATE
ABDUL SAKOOR @ MUNNI SAKOOR Resident of Village- Damodarpur,
P.S.- Kanti, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jai Prakash Verma

For the Opposite Party/s : Mr.Anil Kumar

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 07-12-2022 Let the defect(s), as pointed out by the office, be

removed within a period of four weeks from today.

Heard learned counsel for the petitioner and

learned A.P.P. for the State.

The petitioner seeks bail in connection with

Kanti P.S. Case No. 684 of 2021 registered for the offences

punishable under Sections 399, 400, 402, 411, 414, 467,

468, of the I.P.C. and under Section 25(1-B)a, 26, 35 of the

Arms Act.

As per prosecution case, one country made

loaded Katta has been recovered from the possession of the

petitioner.



Learned counsel for the petitioner submits that petitioner is in custody since 01.11.2021. Petitioner bears six criminal antecedents. Charge sheet has already been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel further submits that petitioner is innocent and has falsely been implicated in the present case. Seizure list has not been made as per law. Learned counsel further submits that co-accused Rakesh Kumar and Rajesh Kumar have already been granted bail vide Cr. Misc. No. 9188 of 2022 by a co-ordinate bench of this court and the case of present petitioner stands on similar footing.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case as well as period of custody, charge-sheet has already been submitted and there is no likelihood of tampering with the prosecution evidence, co-accused persons have already been granted bail, argument advanced on behalf of the parties and also taking into consideration the material available on record, let the petitioner above named be



released on bail after framing of charge on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned A.D.J. 19th Muzaffarpur in connection with Sessions Trial No. 469 of 2022 (Arising out of Kanti P.S. Case No. 684 of 2021), subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(iv) Petitioner shall furnish mobile number at the time of furnishing bail bond and the said mobile number shall continue in operating condition till disposal of the case and he shall get his presence marked before the officer-in-charge of the concerned police station on the first Tuesday



of every month.

(v) Petitioner shall not leave the territorial jurisdiction of the concerned trial court without appropriate permission of the court concerned.

(vi) If petitioner violates any of the conditions, the trial court is at liberty to cancel the bail bond of the petitioner.

(Alok Kumar Pandey, J)

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