

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47794 of 2022

Arising Out of PS. Case No.-322 Year-2020 Thana- KRITYANAND NAGAR District-
Purnia

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Iftekhar @ Md. Rehan @ Munna @ Md. Iftekhar Son of Jainuddin Resident
of village - Ramnagar, P.S.- K. Nagar (Champanagar), District - Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Praveen Kumar Agrawal, Adv.
For the Opposite Party/s : Mr. Nand Kishore Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 28-11-2022 Let the defect(s), if any, be removed within two weeks
from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with K.
Nagar P.S. Case No. 322 of 2020, lodged under Sections 394,
397 and 302 of the Indian Penal Code read with Section 27 of
Arms Act.

As per the prosecution case, two unknown criminals
stopped the brother of the informant, at the point of firearm and
on protest the accused persons fired on him, as a result his
brother fell down and injured, and subsequently died during
treatment.

Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence. He also submits that the petitioner is not named in the F.I.R. and his name has figured in this case by virtue of confessional statement of one co-accused Md. Nafiz @ Md. Nafish. Learned counsel further submits that nothing was recovered from the possession of the petitioner and he has been remanded in this case on 17.09.2021 and, he was already in jail in another cases. He also submits that Petitioner was not put on TIP. He further submits that there are two criminal antecedents pending against the petitioner and he is persuading for bail in both the cases. Learned counsel also submits that the said Md. Nafiz has already been granted bail by the Co-ordinate Bench of this Court vide order dated 13.01.2022 passed in Cr. Misc. No. 50037 of 2021.

Learned A.P.P. for the State opposes the prayer for bail of the petitioner and submits that this petitioner's name has been figured by confessional statement of co-accused.

In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to

the satisfaction of learned Chief Judicial Magistrate Purnea in connection with K. Nagar P.S. Case No. 322 of 2020, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioner shall support in trial and shall appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates without sufficient cause, shall be resulted into cancellation of his bail bond.

B. One of the bailors shall be close relative who shall file affidavit before the court about his relationship with the petitioner.

C. The petitioner shall file an affidavit at the time of furnishing bail bond that he shall not involve in such criminal activity during the continuance of present bail bond, violation of this condition shall be resulted into cancellation of his present bail bond.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J)

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