

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65812 of 2021

Arising Out of PS. Case No.-202 Year-2021 Thana- MOUZAHDIPUR District- Bhagalpur

MD CHOTU @ NOOR ALI Son of Raju Driver @ Riaz Ali Resident of
Village - Shahbaz Nagar, P.S.- Mojahidpur, Distt.- Bhagalpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Praveen Kumar, Adv.

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

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 25-04-2022

Heard learned counsel for the parties.

The petitioner has preferred this application for grant of regular bail in a case registered under sections 147, 148, 149, 341 and 290 of the Indian Penal Code and section 27 of the Arms Act.

As per the prosecution case, on information having been received that the five named accused persons including the petitioner herein were resorting to firing to create panic in the area, it is stated that a raid was conducted. While the other accused persons managed to escape, Md. Ashraf and Md. Gurfan were arrested and the arrested accused persons disclosed that the petitioner was amongst the accused who had escaped.

It is submitted by learned counsel for the petitioner that neither the petitioner was arrested at the spot nor any



incriminating article recovered from his possession. The only material against him is the statement of a co-accused made before police. He is in custody since 1.9.2021 and the cause of his false implication is his antecedents.

The application for bail is opposed by learned A.P.P. for the State who submits that the petitioner is accused in as many as 15 cases from before.

Having heard learned counsel for the parties and taking into consideration the petitioner not having been arrested at the spot nor any incriminating article having been recovered from his possession together with the petitioner having remained in custody for more than 7 months, the Court directs the petitioner to be enlarged on bail in connection with Mojahidpur P.S. Case no.202 of 2021 on furnishing bail bond of Rs.10,000/ (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Bhagalpur.

(Partha Sarthy, J)

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