

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68463 of 2021

Arising Out of PS. Case No.-193 Year-2021 Thana- MOUZAHDIPUR District- Bhagalpur

MD. IZHAR, Son of Late Feku Miyan, Resident of Village - Husainabad
Mogalpura, P.S.- Babarganj, Distt.- Bhagalpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Pravin Kumar Sinha, Advocate
For the Opposite Party/s : Mr.Nagendra Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 16-05-2022 Learned counsel for the petitioner undertakes to
remove all the defects as pointed out by office within two weeks
after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr.
Nagendra Prasad, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in
connection with Mojahidpur (Babarganj) P.S. Case No. 193 of
2021 (G.R. No. 2985/2021) registered for the offences
punishable under Section 302/120(B) of the Indian Penal Code.
He is in custody since 16.08.2021. The petitioner is an accused
in eight cases.

Learned counsel for the petitioner submits that as per
the prosecution story, while the informant was on way his
neighbours Jewa, Intesar, Rahmat and Sahjahan alias Badsah



who were standing near the house of Imtiaz started abusing the informant and told that Imtiaz and Izhar confined in jail conveyed the message that his time has completed. It is alleged that on 10.07.2021 the accused persons chased him by making firing and when his daughter came to save him then Md. Intesar fired which hit in the abdomen of his daughter who was pregnant and on way to hospital his daughter died.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. It is submitted that the petitioner is named in the F.I.R. as one of the persons who had indulged in the scuffle. The petitioner has not committed any overt act and the allegation of overt act is only against co-accused Md. Intesar.

Mr. Nagendra Prasad, learned APP for the State is present and has opposed the prayer for regular bail of the petitioner.

Having regard to the submission that even though this petitioner is named in the F.I.R. as one of the persons who had indulged in the scuffle, the petitioner has not committed any overt act and the allegation of overt act is only against co-accused Md. Intesar who is not before this Court, this Court directs that the petitioner above named be released on bail on furnishing



bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhagalpur in connection with Mojahidpur (Babarganj) P.S. Case No. 193 of 2021 (G.R. No. 2985/2021), subject to the condition as laid down under Section 437 (3) Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take steps for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajeev Ranjan Prasad, J)

vats/-

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

Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

