

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19342 of 2023

Arising Out of PS. Case No.-338 Year-2018 Thana- ATHMALGOLA District- Patna

Md. Irfan S/O Md. Ibrar R/O Village- Ahijan, P.S- Athmalgola, Distt.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajesh Kumar Sinha

For the Opposite Party/s : Mr.Md. Iftekhar Mahmood

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 04-07-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has prayed for bail in a case registered
for the offence punishable under sections 364/34 of the Indian
Penal Code.

As per allegation in the FIR, on 26.12.2018 petitioner
and other accused persons called the informant's son and he has
not returned to his house and on 28.12.2018 his deadbody was
recovered. On being asked from the accused persons, they stated
that they dropped the victim boy at Bakhtiyarpur Hat. It is
further alleged that informant has strong suspicion against the
petitioner as co-accused Mohan Sharma had threatened earlier
to kill the victim.

It is submitted by learned counsel for the petitioner
that petitioner has been falsely implicated in this case due to old



enmity because of land dispute. No one is the eye witness of the alleged occurrence. Accused persons, who have taken away the informant's son had been granted bail in Cr. Misc. No. 39885 of 2019, 30124 of 2019 as well as 45359 of 2019. It is further submitted that accused Mohan Sharma had already been enlarged on bail by another Bench of this Court vide order dated 26.11.2020 passed in Cr. Misc. No. 27917 of 2020. Petitioner is in custody since 5.12.2022.

The application for bail is opposed by learned APP for the State.

Having heard learned counsel for the parties and considering the facts and circumstances of the case, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned ADJ 1st, Barh, Patna in connection with Athmalgola P.S. Case No. 338 of 2018.

(Sunil Kumar Panwar, J)

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