

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21260 of 2023

Arising Out of PS. Case No.-81 Year-2022 Thana- KHODAWANDPUR District- Begusarai

Md. Irfan S/O Md. Rizwan @ Mohamad Rujwan R/O Village- Atraua, P.S-
Bhagwanpur, Distt.- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Anshu Dhar Sharma, Advocate
For the Opposite Party/s :	Mr. Abhay Kumar Roy, APP
For the Informant :	Mrs. Priyanka Kumari, Advocate
	Mr. Bhubneshwar Mahto, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 22-05-2023 Heard learned counsel for the petitioner and learned
APP for the State.

02. Let the defect (s), if any, as pointed out by the office
be removed within a period of four weeks.

03. In the present case, the petitioner seeks bail in
connection with S.T. No. 766 of 2022 arising out of
Khodawandpur P.S. Case No. 81 of 2022 registered on 11.04.2022
for the alleged offences under Sections 395, 397, 307, 326 of the
Indian Penal Code.

04. As per prosecution case, while committing *dacoity*,
unknown miscreants took away approximately Rs. 2,50,000/- and
a number of gold and silver ornaments from the informant and one
of the miscreants also shot at the informant's cousin in his chest.
Later on, during investigation, the name of the petitioner



transpired as one of the accused persons.

05. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The petitioner has been named in this case on the basis of confessional statement of co-accused Kundan Kumar and except this, no material has come up against the petitioner during investigation. No incriminating article has been recovered from the possession of this petitioner, who has not been put to any Test Identification Parade. There is no specific allegation of firing against the petitioner and the allegations are general and omnibus in nature. The petitioner is in custody since 19.04.2022 and charge-sheet has been submitted. The petitioner has got no criminal history. Co-accused Lal Babu Choudhary with similar allegation, has been granted bail by a Co-ordinate Bench vide order date 08.05.2023 passed in Criminal Misc. 65061 of 2022.

06. Learned APP for the State as well as learned counsel for the informant vehemently oppose the prayer for bail. Learned counsel for the informant submits that the allegation of firing is against this petitioner and co-accused Lal Babu Choudhary, as it appears from the confessional statement of co-accused Kundan Kumar.

07. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact



that recovery of no incriminating article has been shown from the petitioner and also considering the grant of bail to the similarly placed co-accused person and further considering the period of custody of the petitioner along with submission of charge-sheet, the petitioner above named is directed to be released on bail on furnishing bail bonds of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II, Begusarai in connection with S.T. No. 766 of 2022 arising out of Khodawandpur P.S. Case No. 81 of 2022 subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence for three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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