

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33346 of 2023

Arising Out of PS. Case No.-120 Year-2021 Thana- PARSAUNI District- Sitamarhi

MD. IRFAN ALAM S/o- MD. NOOR ALAM alias BAWALI Village-
Rupauli Ward no-7, Ps- Tariyani Chhapra Dist- Sheohar

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Santosh Kumar

For the Opposite Party/s : Mr.Rajesh Kumar

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 07-07-2023 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

Learned counsel for the petitioner is permitted to
make necessary correction in paragraph 7 of the bail petition
during course of the day.

The petitioner seeks bail in connection with
Parsauni P.S. Case No. 120 of 2021 registered for the offences
punishable under Sections 394 of I.P.C. and Section 27 of the
Arms Act.

As per prosecution case, two unknown persons
came on a motorcycle and fired upon the informant which hit
him on his left arm. It is further alleged that miscreants took
away Rs. 18,000/-, Tab, Biometric, A.T.M. Card, Driving
license, PAN Card and documents of motorcycle from the



informant.

Learned counsel for the petitioner submits that petitioner is not named in the F.I.R. Name of present petitioner has been surfaced in this case during course of investigation. Petitioner has recorded his self confessional statement in Belsand P.S. Case No. 41 of 2021 and he has remanded in the present case from Parsauni P.S. Case No. 12 of 2021 on 12.02.2023 and since then he is in custody. Petitioner bears five criminal antecedents and in all cases he is not named in the F.I.R. and in four cases he is on bail. Charge sheet has already been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel further submits that nothing has been recovered from the conscious possession of the petitioner. No T.I.P. has been conducted uptill now.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case as well as period of custody, petitioner is not named in the F.I.R., charge-sheet has already been submitted and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of the parties and also taking into



consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned J.M., 1st Class, Sitamarhi in connection with Parsauni P.S. Case No. 120 of 2021, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

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