

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38460 of 2023**

Arising Out of PS. Case No.-177 Year-2021 Thana- KATEYA District- Gopalganj

Ishrafil Dewan S/O Nizamuddin Dewan @ Nizamuddin Dewani @
Nizamuddin Sah R/O Village- Sidhariya, PS. Kateya, Dist. Gopalganj, Bihar

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Indrajeet Bhushan, Advocate
For the Opposite Party/s : Dr. Kumar Uday Pratap, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER**

2 19-07-2023 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

2. Let the defect(s), if any, be removed within a period
of four weeks from today.

3. The petitioner seeks bail in connection with Kateya
P.S. Case No. 177 of 2021 registered for the offence under
Sections 386, 387, 302, 120-B/34 of the Indian Penal Code and
under Section 27 of the Arms Act.

4. The accused/petitioner is named in the F.I.R. and is
in custody since 01.01.2023.

5. The allegation against the petitioner is to commit
murder of brother of informant alongwith other co-accused
persons by causing firearm injuries due to previous enmities
arises out of local disputes.



6. Learned counsel appearing on behalf of the petitioner submitted that no specific overt act is attributed to this petitioner and the maximum allegation appears against him to follow main co-accused Munna Mishra, who alleged to be equipped with AK47. It is further submitted that informant is not the eye witness of the occurrence. It is submitted that co-accused persons, having more serious allegation, namely Dhananjay Pandey and Harikesh Mishra have already been granted bail by one of the learned Co-ordinate Bench of this Court through Cr. Misc. No. 26810 of 2022 vide order dated 06.09.2022 and Cr. Misc. No. 18366 of 2022 vide order dated 13.04.2022, respectively. While concluding the argument, it has been submitted that petitioner found involved in one more criminal case, where he is on bail and moreover, investigation of this case has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

7. Learned APP opposes the prayer of bail.

8. Considering the facts and circumstances as mentioned above and by taking note of the fact as no specific overt act attributed to this petitioner as per F.I.R., where thrust of allegation is available against co-accused Munna Mishra



coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 01.01.2023, accordingly, above named petitioner is directed to be released on bail in connection with Kateya P.S. Case No. 177 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Gopalganj/concerned court, subject to the conditions as mentioned under Section 437 (3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

pooja/-

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

