

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.45050 of 2023**

Arising Out of PS. Case No.-293 Year-2022 Thana- PATEPUR District- Vaishali

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MD. AFRIDI S/O MD. SOAIB @ MD. SOYEB R/O Village- Chainpur  
Bangra, P.S- Maniyari, Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Ranjeet Kumar, Advocate

For the Opposite Party/s : Mr.Dilip Kumar No. 1, APP

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**CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH**  
**ORAL ORDER**

- 2      27-07-2023                      1.      Heard learned counsel for the petitioner and  
learned APP for the State.
2.      Petitioner seeks regular bail in connection  
with Patepur P.S. Case No.293 of 2022 dated 09.11.2022  
registered for the offence(s) punishable under Section(s) 147,  
148, 149, 323, 307 and 302 of the Indian Penal Code and  
Section 27 of the Arms Act.
3.      The main submissions advanced by the  
learned counsel for the petitioner are that the petitioner is not  
named in the FIR and he is a young person and has been  
languishing in jail since 13.12.2022 and against him there is  
criminal antecedent of only one case and his name came into  
light on the basis of his mobile phone's tower location as well as



on account of disclosure made by the co-accused Kaushal Kumar, who has been granted bail by a co-ordinate Bench of this Court vide order passed in Cr. Misc. No.32249 of 2023 and as per the FIR, the main allegation of causing fire-arm injuries to the informant's son is against two co-accused persons Md. Sahjad and Manish Rai and against the petitioner the investigation has been completed. Further submission is that he has not been put on Test Identification parade till date.

4. Learned APP appearing for the State opposes the bail prayer.

5. Considering the above submissions and mainly the petitioner's custody period and also the privilege of bail having been granted to one co-accused mentioned above and also the fact that the petitioner is not named in the FIR and as per the allegation levelled in the FIR, the bullets which hit on the chest of the victim were fired by co-accused Md. Sahjad and Manish Rai and as per above submission, the petitioner has not been put on Test Identification Parade by the police, in my opinion it is a fit case for bail to the petitioner. Accordingly, let the petitioner named-above be released on bail in connection with Patepur P.S. Case No.293 of 2022 on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like



amount each to the satisfaction of the Court concerned, on the following conditions:-

- (I) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the trial Court and shall remain physically present as directed by the trial Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the trial Court.
- (II) 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.
- (III) One of the bailors shall be a close relative of the petitioner who has sworn affidavit in this miscellaneous petition.

(Shailendra Singh, J)

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