

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47223 of 2023

Arising Out of PS. Case No.-487 Year-2022 Thana- LAHERIMUHALLA District- Nalanda

Md. Arif @ Jhunnu Son Of Md. Mahboob Alam R/O Village - Dhanuki, P.S.-
Manpur, District – Nalanda.

... .. Petitioner/S

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Raj Kishor Prasad, Advocate
For the Opposite Party/s	:	Mr.Mukesh Kumar Singh, APP
For the Informant	:	Mr. Ritesh Kumar Sinha, Advocate

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 07-08-2023 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 Laheri
P.S. Case No. 487 of 2022 registered for the offence under
Sections 394, 307, 395, 397 of the Indian Penal Code and
Section 27 of the Arms Act.

4. The accused/petitioner is not named in the F.I.R.
and is in custody since 26.01.2023.

5. The allegation against the petitioner is to commit
dacoity alongwith other unknown co-accused persons and while
committing so open fire upon the informant and his family



members, causing bullet injuries.

6. Learned counsel appearing on behalf of the petitioner submitted that several gold made and silver made ornaments alongwith cash of Rs. 3000/- was looted by petitioner and other co-accused persons during the course of occurrence from the house of informant. It is submitted that name of petitioner surfaced on the basis of confessional statement of co-accused, namely, Md. Chhotu @ Shahbaj, where in furtherance of, no incriminating material recovered/surfaced from the possession of this petitioner as to connect him, *prima facie*, with the present occurrence. It is further submitted that other co-accused, namely, Navlesh Kumar, from the possession of whom, gold made jewellery alleged to be recovered, has already been granted bail by one of the learned co-ordinate Bench of this Court through Cr. Misc. No. 10144 of 2023 dated 07.07.2023. While concluding the argument, it is submitted that petitioner found involved in one more criminal case, where he is on bail, and moreover, investigation of this case is completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

7. Learned APP, duly assisted by learned counsel Mr. Ritesh Kumar Sinha, appearing on behalf of the informant,



while opposing the prayer of bail submitted that petitioner actively participated in alleged dacoity, but fairly conceded that except confessional statement of co-accused, nothing appears against this petitioner.

8. Considering the facts and circumstances as mentioned above and by taking note of fact as save and except suspicion arises out of confessional statement of co-accused, namely, Md. Chhotu @ Shahbaj, nothing incriminating appears against this petitioner as to connect him *prima facie* with the present occurrence of dacoity, coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 26.01.2023, accordingly, petitioner above named, is directed to be released on bail in connection with Laheri P.S. Case No. 487 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Nalanda, Biharsharif/concerned Court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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