

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59565 of 2022

Arising Out of PS. Case No.-298 Year-2021 Thana- BALIYA District- Begusarai

MD. IRSHAD @ IRSHADUJJAMA Son of Md. Shamshadujjama Resident
of Village- Lakhminia, Ward No.- 17, P.S.- Ballia, District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abul Kalam, Advocate

For the Opposite Party/s : Mr. Chandra Bhushan Prasad, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 06-02-2023 Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, if any, within
a period of three weeks from today.

Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The Petitioner is apprehending his arrest in a case
registered for the offences punishable u/s 393, 307, 504 and 506
read with section 34 of the Indian Penal Code and 27 Arms Act.

As per the prosecution case, the informant along with
his staffs was returning after closing his jewellery shop, at that
time three miscreants boarded on motorcycle started snatching
the bag. On being objected two miscreants get down from the
said motorcycle and fired on the informant which crossed



besides his neck, they again fired with intent to kill which hit the left leg of Jai Prakash Singh.

Learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in this case. The name of the petitioner has transpired in this case on the confessional statement of the co-accused Sunil Kumar. The co-accused Sunil Kumar in his confessional statement has stated the *modus operandi* as to how the offence took place with the association of co-accused persons and the said pistol was given by the petitioner. There is nothing against the petitioner except the concerned confessional statement. The petitioner has three criminal antecedents as stated in para 3 of the bail petition.

Learned A.P.P. for the State has vehemently opposed the prayer for anticipatory bail of the petitioner.

Considering the aforesaid facts and circumstances of the case, let the above named petitioner, in the event of his arrest/surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail-bond of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of the learned court concerned, Begusarai in connection with Ballia P.S. Case No. 298 of 2021, subject to conditions as laid down under section 438(2) of the



Code of Criminal Procedure.

1. The petitioner is directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bond of the petitioner is liable to be cancelled.

2. The court below shall verify the criminal antecedent of the petitioner and at any stage, if it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

The application stands allowed.

(Chandra Prakash Singh, J)

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