

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59712 of 2022

Arising Out of PS. Case No.-168 Year-2021 Thana- BHAGALPUR RAIL P.S. District-
Bhagalpur

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Md Asif @ Lal Son Of Md. Hashim Resident Of Alinagar, Maulanachak, P.S.-
Mojahidpur, District- Bhagalpur

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Praveen Kumar

For the Opposite Party/s : Mr.A.G

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 21-02-2023 Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner has filed the instant application for grant of regular bail in a case registered for the offences punishable under Sections 394, 397 of the Indian Penal Code, Section 27 of Arms Act and subsequently Sections 302, 201, 120(B) of Indian Penal Code was added.

The prosecution case in nutshell is that the informant along with his younger brother, namely, Ravi Kumar was going to Jamui by Train No. 13401 UP, namely, Bhagalpur Danapur Intercity Express in the general boggy. When the train reached Muslim High School at a distance of 500 Metres from the starting point, then one unknown



person, who was sitting in same boggy came near informant and snatched his mobile and started fleeing away from there. Then, informant started chasing him, then the said unknown person fired upon him with country made pistol due to which bullet pierced his stomach and he was injured.

It is submitted by learned counsel for the petitioner that the petitioner is innocent and he has falsely been implicated in the present case. The petitioner is not named in F.I.R. and the name of petitioner sprang up in this case on the confessional statement of co-accused Md. Sakib @ Sakku, before the police, which has no evidentiary value in the eye of law. Nothing incriminating has been recovered from the conscious possession of the petitioner. Petitioner has not been put on T.I.P. there is no consistent and relevant material against the petitioner. Moreover, the petitioner is languishing in judicial custody since 05.01.2022.

Learned APP appearing for the State has vehemently opposed the prayer for Bail.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the



case, this Court is inclined to enlarge the petitioner on bail.

The above named petitioner is directed to be enlarged on bail in connection with S.T. No. 224 of 2022(arising out of Rail P.S. Bhagalpur Case No. 168 of 2021) on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned 15th Additional Sessions Judge, Bhagalpur/concerned Court.

(Sunil Kumar Panwar, J)

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