

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66888 of 2023

Arising Out of PS. Case No.-533 Year-2023 Thana- MOTIHARI TOWN District- East
Champaran

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Irshad Ali Son of Shamshad Ali, Resident of Village - Mehboob Chapra,
Police Station Barhariya, District- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Amir Alam, Advocate

For the Opposite Party/s : Mr. Vinod Shanker Modi, APP

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**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 21-12-2023 Heard learned counsel for the petitioner, learned APP
for the State and perused the case diary.

2. The petitioner seeks bail in connection with
Motihari(Town) P.S. case No. 533 of 2023 instituted for the
offences under Sections 447, 341, 323, 324, 307, 384, 427, 504,
506/34, 120B of the Indian Penal Code and Section 27 of the
Arms Act.

3. Prosecution allegation, in short, is that all the FIR
named accused persons along with 100 unknown miscreants
forming unlawful assembly arrived at the place of occurrence.
Having armed with weapons, the accused persons made
indiscriminate firing upon the informant and one of the accused
assaulted one Gopi Rai. It is further alleged that the accused



persons damaged the property of the informant and threatened to kill him and also demanded Rs. 1 crore as *rangdari*.

4. It has been submitted on behalf of the petitioner that the petitioner is in custody since 13.08.2023 and has no criminal antecedent. Charge-sheet has been submitted in this case. The petitioner is not named in the FIR. The petitioner has falsely been implicated in the present case merely on suspicion. He further submitted that the name of the petitioner transpired on basis of statement made by the father of the petitioner that his son went to Motihari by his vehicle (as per para-58 of the Case Diary). He further submitted that the petitioner was not a member of mob and the allegation against this petitioner is general and omnibus in nature. No specific overt act is alleged against the petitioner. He further submitted that the FIR named co-accused persons namely Raju Mishra and Mokhtar Miya have already been granted anticipatory bail by the co-ordinate Bench of this Court vide order dated 28.11.2023 passed in Cr. Misc. No. 71561 of 2023.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case as also the period of custody undergone by the



petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Motihari (Town) P.S. case No. 533 of 2023.

(Rudra Prakash Mishra, J)

Alok Verma/-

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