

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76546 of 2023

Arising Out of PS. Case No.-538 Year-2022 Thana- KATIHAR NAGAR District- Katihar

BIRBAL RAI Son of Late Ramsundar Roy R/o Mohalla - Driver Tola, P.S. -
Katihar, Distt. - Katihar

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md. Musowir

For the Opposite Party/s : Mr.Md. Matloob Rab

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 01-12-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for bail in a case registered for the offence punishable under Sections 147, 148, 149, 341, 323, 307, 326, 504 and 506 of the Indian Penal Code but later on added Section 302 of I.P.C. and Section 27 of the Arms Act.

3. As per allegation in the FIR, 15-20 unknown persons brutally assaulted the informant and one Pappu Singh. It is further alleged that accused persons with intention to kill Pappu Singh and informant fired upon them due to which they fell down.

4. Learned counsel appearing on behalf of the petitioner has submitted that petitioner is innocent and has



committed no offence. He has been falsely implicated in this case. The F.I.R. has been lodged after the delay of two days. Neither the petitioner is named in the F.I.R. nor put on T.I.P. His name has been transpired in this case on the basis of confessional statement of co-accused Md. Sahid Ali, Manish Kumar Thakur and Milan Gosh which has no evidentiary value in the eye of law. Save and except the confessional statement of co-accused no consistent material has surfaced to suggest the involvement of the petitioner in the alleged occurrence. The other co-accused Manish Kumar Thakur and Vishal Chouhan have already be granted bail by another co-ordinate Bench of this Court vide order dated 17.07.2023 passed in Cr. Misc. No. 23513 of 2023 and 23898 of 2023. Petitioner is languishing in judicial custody since 02.09.2023.

5. The application for bail is opposed by learned APP for the State.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as period of custody, this Court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the



satisfaction of the learned C.J.M., Katihar in connection with
Katihar (N) P.S. Case No. 538 of 2022.

(Sunil Kumar Panwar, J)

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