

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23810 of 2024

Arising Out of PS. Case No.-697 Year-2021 Thana- NATHNAGAR District- Bhagalpur

Md. Firoz @ Firoz S/O Md. Hanif R/O Village- Bhatoriya, P.S- Nathnagar
(Madhusudanpur), Distt.- Bhagalpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Praveen Kumar, Advocate

For the Opposite Party/s : Mr. Upendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 17-05-2024 Heard Mr. Praveen Kumar, learned counsel for the
petitioner and Mr. Upendra Kumar, learned APP for the State.

2. Petitioner seeks bail, who is in custody since
04.01.2024, in connection with Nathnagar (Madhusudanpur)
P.S. Case No. 697 of 2021, F.I.R. dated 14.12.2021 registered
for the offences punishable under Sections 394, 302 of the
Indian Penal Code and Sections 25(1-b)a, 26, 27 of the Arms
Act.

3. The prosecution story in nutshell is that on
14.12.2021, the informant received information on his mobile,
that some miscreants have opened fire on his son and he was
lying injured near Tata Pull Sajour Pakki road. Further it is
alleged that the miscreants after snatching his motorcycle and
Rs. 10,000/- fled away.



4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in the present case. He further submits that the petitioner is not named in the F.I.R. and the name of the petitioner has been transpired on the basis of confessional statement of co-accused Md. Zibraail and apart from that no other cogent material has come during investigation to suggest the involvement of the petitioner in the present occurrence. He further submits that in fact the wife of co-accused Md. Zibraail has filed two cases against the petitioner namely Nathnagar (Madhusudanpur) P.S. Case No. 405 of 2018 and Nathnagar (Madhusudanpur) P.S. Case No. 539 of 2018 and hence this reason co-accused has confessed the name of the petitioner. He further submits that till date no test identification parade was conducted by the prosecution.

5. Learned APP for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioner and submits that it has come during investigation in paragraph nos. 10, 11 and 20 of the supplementary case diary, the witness have seen that Md. Murtaza fired and he was accompanied with co-accused person namely Zibraail and the petitioner and apart from that the petitioner carries three more cases other than the present one and the bail petition of co-accused person namely Zibraail



has been rejected by this Court vide order dated 18.09.2023
passed in Cr. Misc. No. 28719 of 2023.

6. Considering the aforesaid facts, I am not inclined
to enlarge the petitioner on bail in connection with Nathnagar
(Madhusudanpur) P.S. Case No. 697 of 2021 pending in the
Court of learned Chief Judicial Magistrate, Bhagalpur.

7. Prayer is refused.

(Rajesh Kumar Verma, J)

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