

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27817 of 2024

Arising Out of PS. Case No.-209 Year-2023 Thana- DUMARIAGHAT District- East
Champaran

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Ibran @ Imran Son Of Atikr Rahman Village- M.M. Colony, Ps- Saray, Dist-
Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Raj Dular Sah, Advocate
For the Opposite Party/s : Mr. Md. Ataur Rahman, APP

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

ORAL ORDER

2 29-04-2024 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner seeks bail in connection with
Dumariyaghat P.S. Case No. 209 of 2023 instituted for the
offence under Sections 399, 402 of the Indian Penal Code and
Sections 25(1-B)a, 26 & 35 of the Arms Act.

3. Prosecution case in short is that there is recovery of
one pistol and two cartridges from the possession of co-accused,
namely, Rahul Yadav. Petitioner was not arrested on the spot.

4. It has been submitted on behalf of the petitioner
that the petitioner is in custody since 01-09-2023. Petitioner
bears three criminal antecedents, as per disclosure made in
paragraph No. 3 of the bail application.



5. It has been further submitted by the petitioner's counsel that petitioner has been falsely implicated in the present case. Petitioner is not named in the FIR. Name of the petitioner has transpired on the basis of confessional statement of co-accused, namely, Rahul Yadav, and the same has no evidentiary value. Nothing has been recovered from the conscious possession of the petitioner. Petitioner has no concern with the alleged recovered arms. It is lastly submitted that charge sheet has already been submitted in this case.

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

7. Considering the aforesaid facts and circumstances of the case, period of custody of the petitioner, manner of petitioner's implication and charge sheet being submitted, this Court is inclined to grant bail to the petitioner.

8. 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 Dumariyaghat P.S. Case No. 209 of 2023, subject to the following conditions:

(I) One of the bailors shall be own/close member of the



family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(III) If the petitioner commits similar type of offence in future, the Trial Court will be at liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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