

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33366 of 2024

Arising Out of PS. Case No.-383 Year-2023 Thana- UDAKISHUNGANJ District-
Madhepura

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MD. ABJAL SON OF MD. FIROZ @ MD. FIROJ RESIDENT OF
VILLAGE - GAMAIL, WARD NO. 08, P.S. - BIHARIGANJ, DISTRICT -
MADHEPURA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Singh, Advocate

For the Opposite Party/s : Mr.Md. Iftekhar Mahmood, APP

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

ORAL ORDER

2 30-04-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in Udakishunganj P.S. case
No. 383 of 2023 instituted for the offences under Sections 341,
323, 384, 386, 504, 506 and 34 of the Bihar Prohibition and
Excise Act.

3. The prosecution case, in short, is that the accused
persons including the petitioner stopped the motorcycle of the
informant, assaulted him and snatched rupees five thousand and
one mobile phone. The petitioner was not apprehended at the
spot.

4. Learned counsel for the petitioner submits that the



petitioner is innocent and has falsely been implicated in the present case. Charge-sheet has been submitted in this case. No incriminating material has been recovered from the conscious possession of the petitioner. The name of the petitioner has transpired on the basis of confessional statement of co-accused namely Md. Jafran which has no evidentiary value. The petitioner has not been put on Test Identification Parade to ascertain his participation in the alleged occurrence. The petitioner is in custody since 08.12.2023 and has clean antecedent. Co-accused Md. Jafran has been granted bail by this Bench vide order dated 23.04.2024 passed in Cr. Misc. No. 30717 of 2024.

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, clean antecedent of the petitioner, the period of custody undergone by the petitioner and the claim based on parity, 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 Udakishunganj P.S.



case No. 383 of 2023

(Rudra Prakash Mishra, J)

Pankaj/-

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