

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.41093 of 2024**

Arising Out of PS. Case No.-566 Year-2023 Thana- MITHANPURA District- Muzaffarpur

Irshad, aged about 36 years, Male, Son of Md. Naushad @ Naushad Ali,  
Resident of Mohalla - Rambagh Chauri, P.S.- Mithanpura, District-  
Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

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

For the Opposite Party/s : Mr. Ram Bilash Roy Raman, APP

**CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND  
MALVIYA**

ORAL ORDER

2      15-07-2024                      Heard learned counsel for the petitioner and learned  
APP for the State.

2. The petitioner seeks bail in connection with  
Mithanpura P.S. Case No. 566 of 2023 instituted for the offences  
punishable under Sections 302/34 of the Indian Penal Code and  
Section 27 of the Arms Act.

3. As per the prosecution case, two unknown persons  
on a motorcycle killed the son of the informant by firing on him.

4. Learned counsel for the petitioner submits that the  
petitioner is innocent and has committed no offence and has  
falsely been implicated in this case due to dirty village politics.  
He further submits that the informant is not an eye witness of  
the occurrence. During course of investigation the name of the  
petitioner has surfaced in this case only on the basis of



confessional statement of co-accused Jafran @ Bholu. He next submits that there is no any cogent evidence which has come against the petitioner, the allegation of firing shot is against co-accused Md. Jafran @ Bholu and the petitioner has been made accused in this case due to local politics and is in custody since 30.12.2023.

5. Learned APP opposes the prayer for bail.

6. From Perusal of the FIR and impugned order of the learned Additional Sessions Judge-V, Muzaffarpur dated 24.04.2024, it appears that petitioner is not named in the FIR. From perusal of the records, it also appears that on the basis of written report of the informant Md. Firoz (father of the deceased) the FIR has been registered under Sections 302/34 of the Indian Penal Code and Section 27 of the Arms Act against unknown persons. From perusal of the impugned order, it also appears that the name of the petitioner has been surfaced in this case only on the basis of confessional statement of co-accused Md. Jafran @ Bholu and there is no any independent witness of the seizure list as well as no eye witness of the alleged occurrence. Similarly situated co-accused persons namely Sunny @ Suleman and Om Prakash have been granted bail by a co-ordinate Bench of this Court in Cr. Misc. No. 36269 of 2024



and 38299 of 2024 vide orders dated 20.05.2024 and 23.05.2024 respectively, accordingly the prayer for bail of the petitioner is allowed. Let the petitioner above named 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 the learned Court No. 6 of Judicial Magistrate-1st Class, (East) Muzaffarpur, in connection with Mithanpura P.S. Case No. 566 of 2023.

**(Ramesh Chand Malviya, J)**

Anand Kr.

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