

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50190 of 2024

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

Md. Jafran @ Bholu, aged about 31 years, Male, Son of Md. Irfan, Resident of Village- Chaknoor, P.S.- Samastipur Muffasil, District- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mahendra Pratap, Advocate

For the Opposite Party/s : Mr. Md. Shakir Ahmad, APP

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

ORAL ORDER

3 08-10-2024 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 next submits that there is no any cogent evidence which has come against the petitioner and during course of investigation



petitioner's name has been transpired in the present case merely on the basis of CCTV footage but it is pertinent to mention that miscreants who came on the motorcycle were hiding their faces. Petitioner 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 CCTV footage 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, Irshad, Abdullah @ Md. Abdullah @ Mohammad Abdullah and Om Prakash have been granted bail by this Court in Cr. Misc. Nos. 36269 of 2024, 41093 of 2024, 39076 of 2024 and 38299 of 2024 vide orders dated 20.05.2024, 15.07.2024, 12.07.2024 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 Judicial Magistrate-1st Class, Muzaffarpur in connection with Mithanpura P.S. Case No. 566 of 2023.

(Ramesh Chand Malviya, J)

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