

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51730 of 2024

Arising Out of PS. Case No.-28 Year-2024 Thana- KUSHESHWARASTHAN District-
Darbhanga

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Sharfe Alam @ Md. Sarfe Alam SON OF MD. JAHANGIR Village -Baliya
PS- Biroul Distt- Danbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Dr Abdus Shakoor, Advocate.
For the Opposite Party/s : Mr.Arun Kumar Pandey, APP.

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 28-08-2024 Heard Dr. Abdus Shakoor, learned counsel appearing

on behalf of the petitioner and Mr. Arun Kumar Pandey, learned

APP for the State.

2. The petitioner seeks pre-arrest bail in connection
with Kusheshwar Asthan P.S. Case No. 28 of 2024 registered for
the offence punishable under Sections 399 and 402 of the Indian
Penal Code and Sections 25(1-b)a, 26 and 35 of the Arms Act.

3. As per the allegation made in the F.I.R., the
informant who is the police officer got secret information that
some miscreants had assembled to commit crime. A raid was
conducted and three persons were arrested who disclosed the
name of the petitioner. Recovery of arms was made from
arrested persons.



4. Learned counsel appearing on behalf of the petitioner submitted that the petitioner was not present on the spot rather he was in Mumbai and in this regard he has brought on record photostat copy of the ticket dated 20.02.2024 and blood and RH factor report issued by the Central Diagnostic Clinic, however, no address is mentioned in the receipt or in the RH factor report.

5. Learned APP for the State has vehemently opposed the prayer for grant of pre-arrest bail to the petitioner.

6. Having considered the rival submissions made on behalf of the parties, as well as, the fact that the name of the petitioner was disclosed by three apprehended accused persons and petitioner has pleaded that he was in Mumbai on the date of alleged preparation of crime, petitioner has also not specifically stated that he is not connected with the other co-accused, petitioner has given information regarding his criminal antecedent in Para-3 of the bail application, I find that the railway ticket also don't show the name of the petitioner to conclude that the petitioner had travelled to Mumbai or was on the way to Mumbai on the alleged date of incidence and thereafter he got his blood group and RH factor test done at Mumbai, however, in this regard law is well settled that



suspicion howsoever strong cannot take the place of proof, the petitioner, above named, is directed to be released on pre-arrest bail, in the event of his arrest or surrender before the Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned ACJM, Biroul, Darbhanga in connection with Kusheshwar Asthan P.S. Case No. 28 of 2024, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Purnendu Singh, J)

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