

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52163 of 2023

Arising Out of PS. Case No.-167 Year-2019 Thana- PARIHAR District- Sitamarhi

MD. IRFAN S/O MD. SABIR R/O VILLAGE- SUTIHARA, PS.
PARIHART, DIST. SITAMARHI

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mrs. Nivedita Nirvikar, Sr. Adv. Mr. Sanjay Kumar
For the Opposite Party/s :	Mr. Atul Chandra

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 5 23-08-2024 1. Heard learned counsel for the petitioner, learned Additional Public Prosecutor for the State and learned counsel for the informant.
2. The petitioner renews his prayer for regular bail in connection with Parihar Police Station Case no. 167 of 2019, dated 10.08.2019, registered under Sections 341/323/324/504/506/307/354/302/109/34 of the Indian Penal Code.
3. This is the third attempt for bail on behalf of the petitioner inasmuch as earlier, on two occasions, the bail applications of the petitioner were rejected *vide* order dated 04.09.2020 passed in Cr. Misc. No. 21854 of 2020 and dated 01.12.2021, passed in Cr. Misc. 39535 of 2021.
4. The prosecution case, as per the First Information Report,



is that on 08.08.2019, in the evening, while the informant's brothers, namely, Md. Akram (now deceased) and Md. Arman, were returning home, the petitioner, along with other co-accused persons, armed with gadasa, lathi, danda, rod, knife, etc., assaulted informant's brother and other family members. It has further been alleged that the petitioner assaulted Md. Akram by means of gadasa due to which he sustained injury and subsequently he died during treatment.

5. Learned senior counsel for the petitioner submits that the petitioner has falsely been implicated in this case due to previous enmity. She next submits that there is no corroborating material that Md. Akram (deceased) died due to injury caused by the petitioner. She further argued that while rejecting the bail application for the second time, this Court, taking note of the fact that the charges were framed and two witnesses have been examined by the prosecution, directed the Trial Court to conclude the trial within the stipulated period of nine months. On 12.07.2024, this case was adjourned for one month awaiting the final order passed in the trial as evidence of both sides were completed and the case was fixed for argument. The case is still pending for argument



and the final judgment has not been passed by the Trial Court. The petitioner has got no criminal antecedent and he is in custody since 06.01.2020.

6. On the other hand, learned counsel for the informant opposes the prayer for bail and submits that prosecution argument has completed and now the case is fixed for argument of the defence.
7. Regards being had to the submissions made by the parties and taking into consideration the fact that the petitioner has remained in custody for more than four years and there is no likelihood that the petitioner will abscond and/or temper with the evidence, I am inclined to grant regular bail to the petitioner.
8. Let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount, each to the satisfaction of learned 2nd Additional Sessions Judge, Sitamarhi, in connection with Parihar Police Station Case no. 167 of 2019.

(Anil Kumar Sinha, J)

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