

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78894 of 2023

Arising Out of PS. Case No.-518 Year-2023 Thana- KANTI District- Muzaffarpur

Md. Irshad @ Irshad @ Bhatkal S/O Late Mulli Shakur R/O Village-
Damodarpur, P.S- Kanti, Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Chandra Shekhar Anand
For the Opposite Party/s	:	Mr.Arun Kumar Pandey
For the Informant	:	Mr. Saurav Anand, Adv.

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

ORAL ORDER

5 08-04-2024 Heard learned counsel for the petitioner and learned
APP for the State as also counsel for the Informant. Perused the
case diary.

2. The petitioner seeks bail in connection with Kanti
P.S. Case No. 518 of 2023 instituted for the offences under
Sections 384/414 of the Indian Penal Code and Section 27 of
the Arms Act.

3. The prosecution case, in short, is that on
08.07.2023 at about 5.00 hrs. (in the evening), three accused
persons including the petitioner came at the house of the
Informant and asked her to tell her husband to give Rs. 20,000/-
as ransom money. When she denied, accused persons entered
into the room of the Informant and the petitioner got her fallen



on the ground and tried to outrage her modesty. On *hulla*, they fled away. It is further alleged that again on 09.07.2023, all the three accused persons came at her house and started abusing and also fired on the gate of the Informant.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence as alleged against him and has falsely been implicated in the present case due to grudge and enmity. There is no eye-witness to the occurrence. Both the parties are next door neighbour and *Pattidar* and due to previous enmity, the petitioner has been falsely implicated in the present case. Nothing incriminating has been recovered from the conscious possession of the petitioner. He further submits that as per seizure list, the blank pillet and the mobile phone was handed over to the police by the Informant herself and her husband. The mobile phone does not belong to the petitioner. The police has not seized any incriminating article from the place of occurrence. He further submits that not a single witness has supported the case of the prosecution. The petitioner was not arrested by the police rather he was handed over to the police by the Informant. The petitioner has altogether six criminal antecedents as has been stated in paragraph no.3 of the present bail application as well as



the supplementary affidavit. The petitioner is languishing in judicial custody since 10.07.2023 and the charge-sheet after investigation has been submitted in this case.

5. On the other hand, the learned A.P.P. for the State and the Informant have vehemently opposed the prayer for grant of bail to the petitioner, stating that the allegation made against the petitioner is serious in nature. The petitioner has also five criminal antecedents and thus, the petitioner does not deserve bail.

6. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as also taking into account the period of custody of the petitioner, let the petitioner, abovenamed, be released on bail after framing of charge, if already not framed, 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 Kanti P.S. Case No. 518 of 2023, subject to following conditions;

(i) One of the bailors shall be own/close member of the family of the petitioner.

(ii) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two



consecutive dates, the Trial Court will have liberty to cancel the
bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

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