

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23837 of 2025

Arising Out of PS. Case No.-10 Year-2024 Thana- PAKRIDAYAL District- East Champaran

Md. Irshad @ Irshad Alam, aged about 30 years (Male), S/o Mansoor Alam,
R/o vill - Shikarganj, P.S.- Chiraiya (Shikarganj O.P.), Distt.- East Champaran

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Sunil Kumar No. III, Advocate
For the Opposite Party : Mr. Jai Narain Thakur, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 04-07-2025 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Pakridayal P.S. Case No. 10 of 2024 dated 10.01.2024 registered for the offences punishable under Sections 25(1-B)(a), 26 and 35 of the Arms Act and under Sections 399 and 402 of the I.P.C.

3. As per the prosecution case, the petitioner and some miscreants boarded on two motorcycles gathered to commit a crime. It is further alleged that four accused persons fled away and one person, namely, Md. Osaid Alam @ Arbaz Alam was apprehended from the place of occurrence and from his possession, one country made loaded pistol alongwith four cartridges and two mobile phones were recovered.



4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. It is further submitted that the petitioner was not arrested on the spot and his name has come in the present case on the basis of the confessional statement of the apprehended co-accused person Osaïd Alam @ Arbaz Alam which has got no evidentiary value in the eyes of law. The petitioner has no connection with the apprehended co-accused person and with the seized arms. No incriminating article has been recovered from the possession of the petitioner. It is further submitted that other co-accused person, Mithilesh Yadav @ Mithilesh Kumar, has already been granted anticipatory bail by a Bench of this Court in Cr. Misc. No. 61049 of 2024 vide order dated 04.10.2024, annexed as Annexure-2 to the present bail petition. The petitioner has five criminal antecedents as stated in paragraph no. 3 of the bail application.

5. Learned A.P.P. for the State has vehemently opposed the prayer for anticipatory bail of the petitioner.

6. Considering the aforesaid facts and circumstances of the case, let the above named petitioner, in the event of his arrest/surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail bond of Rs.



20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-8, Motihari, East Champaran in connection with Pakaridayal P.S. Case No. 10 of 2024, subject to the condition as laid down under Section 482(2) of the B.N.S.S, 2023.

(I) The petitioner is directed to remain physically present before the learned court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bonds of the petitioner are liable to be cancelled.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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