

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38424 of 2025

Arising Out of PS. Case No.-1025 Year-2024 Thana- AHIYAPUR District- Muzaffarpur

Md. Irfan Son of Mohammad shabir Vill -Patiyasa Ps- Ahiyapur Dist-
Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nachiketa Jha, Adv.

For the Opposite Party/s : Mr.Md. Ataur Rahman, APP

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

ORAL ORDER

3 12-08-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with
Ahiyapur P.S. Case No. 1025 of 2024, S.Tr. No. 775 of 2024
instituted for the offences under Sections 137(2), 140(1),
3(5) of the BNS and later on, Section 103(1) of BNS was
added.

3. Prosecution case, in short, is that, accused Munna
Khan (ex-mukhiya), his sons Sahwaz and Sahnawaz along
with 8-10 other accused persons kidnapped the elder brother
of the informant. The informant feared that the accused
persons would kill his brother.



4. Learned counsel for the petitioner submitted that the petitioner is innocent and has falsely been implicated in the present case. Petitioner is not named in the F.I.R. The name of the petitioner transpired in this case on the basis of confessional statement of the co-accused Md. Firangzeb @ Md. Sahil and Md. Noor Khan @ Munna Khan recorded before the police which has no evidentiary value in the eye of law. He further submits that nothing incriminating has been recovered from the conscious possession of the petitioner leading to the confessional statement of the co-accused persons. Learned counsel further submitted that T.I.P. has not been conducted till date. Learned counsel further submitted that initially the FIR was lodged under Sections 137(2), 140(1), 3(5) of the BNS and later on, Section 103(1) of BNS was added. Learned counsel further submitted that police, after investigation submitted charge-sheet against the petitioner and others and cognizance has also been taken and trial is also going on. It has been submitted on behalf of the petitioner that the petitioner is in custody since 02.08.2024 and has no criminal antecedent.



5. Learned counsel for the petitioners again submits that the co-accused namely Rupesh Kumar has been granted bail by this Court vide order dated 11.07.2025 passed in Cr. Misc. No. 32554 of 2025.

6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner. Learned APP further submitted that petitioner's name transpired in this case on the basis of disclosure made by co-accused Md. Firangzeb @ Md. Sahil and Md. Noor Khan @ Munna Khan. On the basis of CDR of the mobile of Vikash Kumar, it appears that the co-accused Vikash Kumar had talked with the petitioner for eight times on 29.07.2024 and the tower location of Vikash Kumar was found near the place of occurrence at the time of occurrence. The prayer for grant of bail to co-accused persons has already been rejected by a coordinate Bench of this Court vide order dated 13.05.2025 passed in Cr. Misc. No. 19738 of 2025 and Cr. Misc. No. 10993 of 2025. The prayer for bail of the co-accused namely Rupesh Kumar has also been rejected by this Court vide order dated 11.07.2025 passed in Cr. Misc. No. 32554 of 2025.



7. Considering the aforesaid facts and circumstances of the case as also the nature and gravity of the offence and the fact that the trial is going on, this Court is not inclined to grant bail to the petitioner at this stage.

8. Accordingly, the prayer for grant of bail to the petitioner is, hereby, rejected with a direction to the learned court below to expedite the trial and conclude the same expeditiously.

(Rudra Prakash Mishra, J)

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