

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71189 of 2024

Arising Out of PS. Case No.-62 Year-2013 Thana- MATIHANI District- Begusarai

Md. Irfan @ Mohammad Irfan, Son of Md. Umar, Resident of Village-
Saidpur, P.S.- Matihani, Distt.- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pritish Kumar Lal, Advocate

For the Opposite Party/s : Mr.Md. Matloob Rab, APP

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

5 28-01-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for bail in connection with Sessions Trial No. 472 of 2024 arising out of Matihani P.S. Case No.62 of 2013 registered for the offence punishable under Sections 147, 148, 149, 302 and 120(B) of the Indian Penal Code and Section 27 of the Arms Act.

3. The case of the prosecution is that the informant heard the sound of firing from the Mosque. After that, he went towards the Mosque. He found altogether seven persons including the petitioner. It is further alleged that all the accused persons were armed with weapon. He found that Md. Kasim, Md. Masi Alam and Md. Jamahir were firing at his brother Md. Umarad @ Md. Murad. On this, the informant raised alarm. All



the accused persons standing on the gate of the Mosque pointed gun towards the informant, but he managed to escape anyhow. After firing, all the accused persons went toward south.

4. Learned counsel appearing on behalf of the petitioner has submitted that petitioner is innocent and has committed no offence. He has been falsely implicated in this case. It is further submitted that from perusal of the F.I.R. itself it is clear that the fire was made by three persons namely, Md. Kasim, Md. Masi Alam and Md. Jamahir. The role of other named accused persons is that they were also there. There is no allegation of any overt act. Only the allegation is that when the informant raised alarm, they pointed gun towards him. Initially, the chargesheet was not filed against the petitioner but later on after considerable time a final chargesheet was filed in which he was also named. A statement has been made in para 3 of the petition that petitioner has no criminal antecedent. Petitioner is languishing in judicial custody since 22.04.2024.

5. The application for bail is opposed by learned APP for the State.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case, this Court is inclined to enlarge the petitioner on bail. The above named



petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-IVth, Begusarai in connection with Sessions Trial No. 472 of 2024 arising out of Matihani P.S. Case No. 62 of 2013.

(Ashok Kumar Pandey, J)

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