

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74128 of 2024

Arising Out of PS. Case No.-45 Year-2024 Thana- BHAWANIPUR District- Purnia

Md. Mumtaz @ Irfan, S/o Md. Kalim @ Md. Kalim uddin R/o vill - Birsal,
P.S. - Bhawanipur, Distt. - Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rabindra Kumar Priyadarshi, Adv.
For the Opposite Party/s : Mr. Shantanu Kumar, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 20-01-2025 Heard Mr. Rabindra Kumar Priyadarshi, learned
counsel for the petitioner and Mr. Shantanu Kumar, learned APP
for the State.

2. The petitioner apprehends his arrest in connection
with Bhawanipur P.S. Case No. 45 of 2024 registered for the
offence punishable under Section 394 of the Indian Penal Code
and section 27 of the Arms Act.

3. Allegedly, while the petitioner was coming on his
motorcycle after withdrawing money from the Bank, in the
meantime, two persons riding on an Apache motorcycle chased
the informant and fired upon him thrice due to which he
sustained two bullet injuries. It is further alleged that thereafter
the miscreants robbed total Rs.2,58,000/- and other valuables
and succeeded in fleeing away.



4. Learned counsel for the petitioner contended that the FIR has been instituted against unknown miscreants. During the course of investigation one Manoj Mandal was apprehended and the name of the petitioner surfaced on his confessional statement. Barring the confessional statement, there is no material suggesting complicity of the petitioner in the present crime. Even if the confessional statement is taken into account, said Manoj Mandal has disclosed that the person who was sitting behind him on the motorcycle was Randhir Kumar Sharma, who fired thrice on the informant. There is no recovery of any incriminating material nor any cogent material has come, except the confessional statement of co-accused Manoj Mandal. The petitioner bears fair antecedent and only on account of suspicion and confession, his name has been implicated in this case.

5. On the other hand, learned counsel for the State opposed the bail application and submitted that the provision for grant of anticipatory bail has been incorporated for extraordinary circumstances, where a person is implicated in a false and fabricated case. However, in the case in hand, during the course of investigation, the apprehended person disclosed the name of the petitioner as one of his accomplice.



6. Regard being had to the submissions made on behalf of the parties and considering the nature of allegation and the materials available on record, this Court is not acceded to the prayer of the petitioner for grant of pre-arrest bail. Accordingly, his prayer is rejected.

7. However, if the petitioner surrenders before the court below and seeks regular bail, the same shall be considered on its own merit without being prejudiced by the present order as also taking note of the fact that save and except confessional statement, there is no material against the petitioner.

(Harish Kumar, J)

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