

IN THE COURT OF PRINCIPAL SESSIONS JUDGE
DISTRICT-GOPALGANJ

Regular Bail Petition No. 545 of 2026

(Arising out of Gopalganj P.S. Case No. 89 of 2026, registered U/S 303(2) of the B.N.S.)

In the matter of :-

Name of the petitioner	: Irfan Ali @ Munna Ali.
F.I.R. U/S	: <u>303(2) of the B.N.S.</u>
Charge-Sheet U/S	: <u>303(2) of the B.N.S.</u>
Counsel for the Petitioner	: Shri Rajeshwar Prasad, Id. Adv.
Counsel for the State	: Shri Deo Vansh Giri, Id. P.P.

ORDER

17-06-2026

1. This Bail Application filed on behalf of above named accused-petitioner, who is in judicial custody since 13-02-2026, in connection with Gopalganj P.S. Case No. 89 of 2026, registered U/S 303(2) of the B.N.S., is put up for hearing today.

2. As per the FIR, prosecution case in brief is that on the basis of written application of the informant, Gopalganj P.S. Case No. 89 of 2026 has been lodged against unknown. It is inter alia alleged in the F.I.R. that on 26-01-2026, as usual, informant went to Gopalganj city by his E-rickshaw bearing reg. no. BR28ER0437 and at about 05:00 pm, and he parked his e-rickshaw at the corner of the road of Ambedkar Chowk to Post Office Chowk and went to toilet. After 10 minutes, he returned back and saw that his e-rickshaw was not there. Informant made search but he could not find any trace. Informant came to know that some known thieves have stolen away is E-rickshaw.

3. It is submitted on behalf of accused/petitioner that he is innocent and has committed no offence and has been falsely implicated in this case due to high handedness of police. It is further submitted that petitioner has got five criminal antecedent. It is further submitted that petitioner has been made accused on the basis of statement of co-accused and no any incriminating article has been recovered from the conscious possession of the petitioner. It is further submitted that the allegations levelled against the accused-petitioner are false and baseless because the police have arrested the accused from his home and he is not involved in any such incident and the accused has been implicated in this case due to local dispute. It is lastly submitted that petitioner is in custody since 13-02-2026. On such strength, prayer for bail has been made by the petitioner.

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4. Heard ld. Counsel appearing on behalf of the petitioner as well as ld. P.P. for the State. Ld. P.P. for the State has opposed the prayer for bail of the petitioner.

5. Having heard both the parties and perused the case record along with case diary. From the perusal of the F.I.R as well as case diary, it transpires that although, petitioner is not named in the F.I.R. but his name has cropped up in this case in para-40 of the case diary, in which the petitioner was caught by the police in Thawe P.S. Case No. 22/26 and he has confessed that he has stolen one E-rickshaw, which was kept hide at Chapiya Mil road. Para-42 of the case diary shows that stolen e-rickshaw bearing reg. no. BR28ER0437 was recovered by the police. Para-64 of the case diary shows that petitioner has been remanded in this case from Thawe P.S. Case No. 22/26. From perusal of para-69 of the case diary, it appears that after completion of investigation against the petitioner, Charge-Sheet No. 356/26 dated 03-04-2026 has been submitted. Ld. Counsel for the petitioner has disclosed in the bail application that he has got five criminal antecedent. The petitioner appears to be in custody since 13-02-2026.

6. Considering the aforesaid facts and circumstances of this case and considering the period of custody of the petitioner and without going into the merit of this case, this court is inclined to grant bail to the petitioner and hence, the same is hereby allowed. Petitioner is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- with two sureties of like amount each to the satisfaction of the ld. Court below **subject to conditions that petitioner shall be released only after framing of charge with further condition that one of the bailors shall be close relative of the petitioner and one shall be local further condition that he will file an undertaking that he will cooperate in the investigation or trial and he will not temper with the evidence.**

Let a copy of this order along with lower court record be sent to the ld. Lower court for information and needful.

(Dictated)

(Geeta Gupta)

Principal Sessions Judge, Gopalganj.