

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.11298 of 2020**

Arising Out of PS. Case No.-380 Year-2019 Thana- PALASI District- Araria

MD. IZHAR S/o Late Asfaque R/o village- Kursail, P.S.- Mahalgown,
District- Araria

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Gopal Kumar Jha, Advocate

For the Opposite Party/s : Mr.Akhileshwar Dayal, APP-in-Charge

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

4 08-06-2020 This application has been placed for consideration by

the order of the Hon'ble the Chief Justice through virtual court
proceeding.

Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner in the present case is seeking regular
bail in connection with Palasi P.S. Case No. 380 of 2019
registered for the offences punishable under Section 392 of the
Indian Penal Code.

It is the case of the petitioner that he is quit innocent,
has no criminal antecedent and has been falsely implicated in
this case on mere suspicion. According to petitioner nothing has
been recovered from his possession and he is in custody in



connection with this case since 02.12.2019.

Learned APP In Charge for the State has opposed the prayer for regular bail of the petitioner. It is submitted that from the impugned order the petitioner has made confessional statement and from his possession the mobile phone and motorcycle has been recovered.

Considering the facts and circumstances of the case, wherein it is the submission of the petitioner that he has remained in custody in connection with the present case since 02.12.2019, prior to the present case he had no criminal antecedent as stated in paragraph '3' of the application, investigation against him is complete and there is no submission that his release at this stage is in any way likely to interfere with the course of trial, let the petitioner above named be released on bail on furnishing of bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-Ist, Araria in connection with Palasi P.S. Case No. 380 of 2019, subject to the conditions as laid down under Section 437(3) of the Cr.P.C. as under:

- (a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,
- (b) that such person shall not commit an offence



similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

And further condition that he will abide by and observe the guidelines and directives of the Government of India and the State Government with regard to COVID-19 Pandemic during the lockdown period. The authorities concerned shall take appropriate steps to ensure such observance prior to and after release of the petitioner.

The application is allowed.

(Rajeev Ranjan Prasad, J)

SUSHMA2/Arvind

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

