

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 18212 of 2020**

Arising Out of PS. Case No.-834 Year-2019 Thana- MUZAFFARPUR SADAR District-
Muzaffarpur

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AHMAD @ MD AHMAD S/O- Jurati R/O- Village- Dharampur, P.S. - Sadar,
District - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr Alok Kumar Alok, Advocate
For the Opposite Party/s : Ms Pushpa Sinha, APP

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

5 30-06-2020 As of now, the Courts have not resumed normal physical hearing. The matter has been listed today for consideration through Video Conferencing.

Learned counsels are appearing and making submissions from their residence. The Court Master and Secretary are also part of this virtual Court proceedings with the aid of audio visual technology.

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

The petitioner seeks bail in Sadar Police Station (for brevity, *PS*) Case No 834 of 2019 instituted for the offence punishable under Section (s) 395, 397, 427 of Indian Penal Code and 27 of Arms Act.



Prosecution case alleges unsuccessful bank dacoity attempted by 6 to 7 accused persons. One of the accused, namely, Aman Sultan, is alleged to have been apprehended. It is upon disclosure made by him that the petitioner has been implicated in this case.

Petitioner's counsel submits that the petitioner was not apprehended at the spot and has falsely been implicated in this case merely on the basis of confessional statement of co-accused Aman Sultan and his own confessional statement. Petitioner's bona fide is apparent from the fact that he has been arrested from his house. No incriminating article has been recovered. He has annexed photostat copy of the Passbook (Annexure 2) showing that his father is a bona fide customer of the Branch and, therefore, two withdrawal forms were found from his house. He is in custody since 06.12.2019, though not put on Test Identification Parade. It is also submitted that he has no criminal antecedent.

Learned APP has opposed the prayer for bail. It is submitted that withdrawal forms were recovered from the petitioner's house and he has been named by co-accused who has been apprehended at the place of occurrence.

Considering the aforesaid, let the petitioner, above



named, be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Muzaffarpur in connection with Sadar PS Case No 834 of 2019 subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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