

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26170 of 2020

Arising Out of PS. Case No.-22 Year-2018 Thana- RAJAOLI District- Nawada

Md. Mustaque Khan aged about 56 years, Male, S/o Late Masim Khan
Resident of Sikandra, Nawab Toli, P.S.-Sikandra, District-Jamui.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr.Pankaj Kumar Sinha, Advocate
For the Opposite Party : Mr. Uma Nath Mishra, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 12-10-2020 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

The petitioner is in custody in connection with Rajauli
P.S. Case No. 22 of 2018 for the offence under Section 406 of
the Indian Penal Code and subsequently, Section 395 of the IPC
was added.

Learned counsel appearing on behalf of the petitioner
would submit that the allegation against the petitioner is that he
was involved in loot of truck. He further submits that name of
the petitioner surfaced in the confessional statement of co-
accused Birendra Kumar @ Prince. Petitioner has surrendered in
the court below on 22.02.2020 and since then he is in custody.

Learned counsel appearing on behalf of the State
would submit that it would not be appropriate to release the



petitioner as his release may adversely affect conduct of the fair election.

Considering the fact that the petitioner is in custody since 22.02.2020, the court of Chief Judicial Magistrate, Nawada is directed to release the petitioner on bail on appropriate terms and conditions in the facts and circumstances of the case after result of General Election in the State of Bihar is declared i.e. after 10th November, 2020.

With the aforesaid, the application stands disposed of.

(Anil Kumar Upadhyay, J)

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