

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.26265 of 2020**

Arising Out of PS. Case No.-848 Year-2019 Thana- BETTIAH CITY District- West
Champaran

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Md. Muslim @ Muslim Miyan Son of Late Mubarak Miyan Resident of
Mohalla- Kalibagh, Ghusukpur, P.S.- Kalibagh O.P., Bettiah, District- West
Champaran. Petitioner

Versus

The State of Bihar Opposite Party

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Appearance :

For the Petitioner/s : Mr.Ashok Kumar Gupta,Advocate
For the Opposite Party/s : Mr.Akhileshwar Dayal, APP

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

4 10-12-2020 Heard learned counsel for the petitioner and Mr.

Akhileshwar Dayal, learned APP for the State.

The petitioner in the present case is seeking regular
bail in connection with Bettiah (Town) P.S. Case No. 848 of
2019 registered for the offences punishable under Section
414/34 of the Indian Penal Code and Section 25(1-b)a, 26, 35 of
the Arms Act.

Learned counsel for the petitioner submits that as per
the First Information Report when police party got information
that two motorcycle riders have snatched a bag and one mobile
of a person at Moharram Chowk, police rushed in search of the
miscreants and in the morning hour about 04:00 A.M. police
party got information that one blue and black colour Glamour
motorcycle with two persons thereon had intercepted one



rickshaw passenger and then they had snatched away three bags, two mobiles and some money, police party intercepted the motorcycle on which this petitioner and co-accused Afroz Alam were going. It is alleged that from the possession of co-accused Afroz Alam one country-made pistol with one live cartridge loaded and two live cartridge kept in the bag of said accused with one Aadhar card was recovered. From possession of this petitioner it is alleged that one big size bagger and one SBI ATM card and one IDBI ATM card and PAN card on which one name (Naresh Kumar) was inscribed has been recovered. The motorcycle was without number and from the pocket of this petitioner a sum of Rs.4,000/- has also been recovered.

Learned counsel for the petitioner submits that no looted article has been recovered from the possession of the petitioner. In course of investigation it has come that the motorcycle belongs to this petitioner. Learned counsel submits that it is a case of false implication and that the petitioner who has otherwise no criminal antecedent has remained in jail in connection with this case since 17.11.2019 and the trial is not likely to be concluded in near future.

Mr. Akhileshwar Dayal, learned APP for the State has after going through the complete case diary, informed this Court



that in course of investigation it has come that the motorcycle belongs to this petitioner and further none of the alleged looted bags and mobiles has been recovered either from the house of this petitioner or at his instance from the house of the co-accused. This Court has made repeated query on this issue from learned APP and he has confirmed that no looted article has been recovered. In these facts and circumstances, the petitioner having remained in jail since 17.11.2019 and otherwise has no criminal antecedent, let the petitioner above-named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each, to the satisfaction of learned Chief Judicial Magistrate, West Champaran, Bettiah in connection with Bettiah (Town) P.S. Case No. 848 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.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner.

The application is allowed.

(Rajeev Ranjan Prasad, J)

SUSHMA2/Rajeev

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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'.

