

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 26132 of 2020**

Arising Out of PS. Case No.-149 Year-2019 Thana- KASBA District- Purnia

MD MUNTASHIR Son of Abdul Jalil Resident of Village- Basantpur, P.S.-
Sadar, District- Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr Khatim Reza, Advocate
For the Opposite Party/s : Ms Meena Singh, APP

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 **14-10-2020** 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.

Petitioner apprehends arrest in connection with Kasba Police Station (for brevity, PS) Case No 149 of 2019 initially instituted for the offence punishable under Section (s) 392 but later on converted into Section 395 of Indian Penal



Code.

Prosecution case is that some unknown miscreants have tied up the security guards deputed at the Maize Go-down and looted maize.

Petitioner's counsel submits that no incriminating material has been recovered from the petitioner's possession. He was not present at the place of occurrence. Co-accused Fakir Mohammad was arrested in Kasba PS Case No 179 of 2019 and it is on basis of his confessional statement that the petitioner's name has been dragged in the instant case. Implication in all other criminal cases, as per details in paragraph 3 of this application, are simultaneous to implication of the petitioner in the present case. As such, he bears a clean past. The confessional statement of co-accused is not legally sustainable and has no evidentiary value.

Learned APP for the State has opposed the prayer for anticipatory bail.

In the facts and circumstances of the case, prayer of petitioner for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioner, named above, before the Court below, within four (04) weeks from today, he shall 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, Purnea in Kasba PS Case No 149 of 2019 subject to the conditions as laid down under Section 438 (2) of Criminal Procedure Code and also 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.

Learned counsel for the petitioner is expected to honour his undertaking given in the instant proceedings today for depositing requisite Court fee and removing the defect (s), as pointed out, when called upon to do so.

(Madhuresh Prasad, J)

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