

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63710 of 2019

Arising Out of PS. Case No.-216 Year-2006 Thana- PATLIPUTRA District- Patna

MD. MUTAKIM @ MUSTAKIM @ MUSTAKIM MIYAN S/o Late
Kariman @ Late kariman Miyan @ Md. Karim R/o village- Teknari, P.S.-
Patepur, District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs.Madhuri Kumari
For the Opposite Party/s : Mr.Anil Kumar

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 03-06-2020 Due to COVID-19 Pandemic, the matter is being
taken up by way of virtual Court proceeding.

The matter has been listed under the heading ‘For
Orders’ under the orders of Hon’ble the Chief Justice.

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

The petitioner seeks bail in a case registered under
Sections 396 and 412 of the I.P.C.

The prosecution case, in short, is that unknown
miscreants looted away valuable household properties from the
house of one Papiya Ghosh and committed murder of Papiya
Ghosh and her made-servant.

Earlier bail application of the petitioner was



rejected vide Annexure 1 to the present application taking into account that the petitioner absconded for a long period. A co-ordinate Bench of this Court was directed to conclude the trial within a period of eight months.

A report was called for from the trial court. It has been reported that eight prosecution witnesses have been examined on behalf of the prosecution.

Counsel for the petitioner in paragraph 15 of the petitioner has categorically stated that out of 40 witnesses only seven witnesses have been examined. There is no chance of trial being concluded in near future.

It has been submitted on behalf of the petitioner that the petitioner is in custody since 18.08.2012 and has got no criminal antecedent. There is no allegation of tampering of witnesses against the petitioner. The petitioner is not named in the F.I.R. His name has transpired in this case on confessional statement of co-accused Shankar Sao. The petitioner has remained in custody for approximately eight years. No T.I.P. of the petitioner has been made. Hence no offence under Section 396 of I.P.C. is made out. Some common house hold articles are said to have been recovered which were put on T.I.P. and the said house hold articles were said to have been identified by the



witnesses. Taking into said account, at best an offence under Section 412 of I.P.C. is only made out. Other co-accused has been granted bail by a Co-ordinate Bench of this Court vide Annexure 4 to the present application.

On behalf of the State, it is submitted that the petitioner is not named in the F.I.R.

Considering the facts and circumstances of the case and also the lockdown, the petitioner, above named, is directed to be released on bail on his personal bond to the satisfaction of Additional District and Sessions Judge VII, Patna in connection with Sessions Trial No.1015 of 2012 arising out of Patliputra P.S. case No.216 of 2006.

Once the normalcy is restored, the petitioner shall furnish bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each within a period of four weeks to the satisfaction of the court concerned in connection with the aforesaid case.

(Sudhir Singh, J)

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