

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71324 of 2019

Arising Out of PS. Case No.-159 Year-2017 Thana- JHANJHARPUR District- Madhubani

MD. IZARAYAL @ AJJO Son of Late Birkha Mian Resident of Village-
Majhani, P.S.- Nirmali, District- Supaul.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ratanakar Jha

For the Opposite Party/s : Mr. J.N. Thakur, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

6 05-06-2020 The matter has been taken up through virtual Court proceeding.

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

The petitioner is languishing in jail since 31.1.2019 in a case registered for the offence punishable under Section 392 of the IPC.

The prosecution case, as per the fardbeyan of Bikram Kumar, the Fisheries Officer, Madhubani, is to the effect that on 21.12.2017 at 8.15 P.M., the informant was going to Madhubani, but on the way, three motorcycle borne miscreants robbed off the informant's motorcylce, mobile phone and ten thousand rupees, leading to registration of FIR against unknown. The name of the petitioner sprang up during



investigation in the confession of co-accused Ram Sewak Yadav.

It is submitted by learned counsel for the petitioner that earlier also the police has maliciously framed the petitioner in 22 other cases of similar nature, but out of the said cases, petitioner has been acquitted in eight cases, granted bail in six cases, two cases are pending and in one case, prayer for bail has been rejected by the learned Court below. It is further submitted that the petitioner has not been put on Test Identification Parade nor any recovery has been made from possession of the petitioner. Statements to that effect have been made in paragraph nos. 10 and 11 of the petition which read as follows:

“10. That there is no recovery from the possession of the petitioner.

11. That no any TIP was conducted by the investigating officer.”

Learned APP submits that the petitioner has serious criminal antecedent and his name transpired during investigation.

Considering the fact that the name of the petitioner sprang up on confession of co-accused Ram Sewak Yadav, who has been granted bail vide order dated 20.9.2018 passed in Cr.



Misc. No. 55482 of 2018 by a Co-ordinate bench of this Court (since retired), there is nothing on record to suggest that there is any recovery from the possession of the petitioner, the fact that the petitioner has not been put on Test Identification Parade when the petitioner is having serious criminal antecedent and out of 22 cases, the petitioner has been acquitted in eight cases, which shows the lapses on the part of investigating agency, coupled with the period in custody, let the petitioner above named be released on bail, for the present, provisionally, for a period of three months on furnishing one surety to the satisfaction of the learned Sessions Judge, Madhubani in connection with Jhanjharpur P.S. Case No. 157 of 2017.

However, in view of the present pandemic COVID-19, it will be open for the learned Court below to accept the bail bond on furnishing an undertaking by the surety, on photo copy of his Aadhar Card to the effect that he is ready to become the bailor of the petitioner which may be transmitted by such surety to the learned Court concerned through e-Mode.

The provisional bail of the petitioner will be confirmed by the learned Court below within three months on furnishing bail bond of Rs.10000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned



Sessions Judge, Madhubani in connection with Jhanjharpur P.S.
Case No. 157 of 2017 including one surety given at the time of
provisional bail.

The learned Court below will be at liberty to further
extend the period of provisional bail if the lock down is not
over in three months.

(Dinesh Kumar Singh, J)

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