

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.13007 of 2021**

Arising Out of PS. Case No.-20 Year-2020 Thana- BIHARIGANJ District- Madhepura

MD. NIYAZ ALAM @ MITHU Son of Md. Asfak Alak Resident of Village
– Kusthan, Ward No. 7, P.S.- Bihariganj, District – Madhepura.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

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

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

4 29-06-2021 Learned counsel for the petitioner undertakes to

remove all the defects pointed out by the Stamp Reporter within

four weeks after start of normal functioning of the Court.

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 Bihariganj P.S. Case No. 20 of 2020

registered for the offences punishable under Sections 356, 379

of the Indian Penal Code.

Learned counsel for the petitioner submits that as per

the prosecution story, Surendra Prasad Mehta was coming to his

house at 7.30 pm from Saroni Bazar on his motorcycle. In the

meantime, four unknown persons came and one person namely



Sony fled away with his motorcycle.

Learned counsel submits that the petitioner is innocent and has falsely been implicated in the present case. It is submitted that the name of this petitioner has come on the basis of confessional statement of co-accused. The petitioner is in custody since 12.01.2020.

Learned APP for the State has opposed the prayer for regular bail of the petitioner.

Having considered the facts and circumstances of the case wherein the petitioner has remained in jail since 12.01.2020, investigation against him is complete but the trial is not likely to be concluded in near future, this Court directs release of the petitioner above named on bail on furnishing of bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand Only) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-Ist Class Udakishunganj, Madhepura in connection with Bihariganj P.S. Case No. 20 of 2020, subject to the conditions as laid down under Section 437(3) 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 is suspected, and

(c) that such persons shall not directly or indirectly make and 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 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. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

The application stands allowed.

(Rajeev Ranjan Prasad, J)

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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'.

