

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.16238 of 2021**

Arising Out of PS. Case No.-31 Year-2020 Thana- HATHAURI District- Muzaffarpur

MD AKHTAR Son of Md. Yasin Resident of Village - Gharbhara, P.S.-
Bochahan, Distt.- Muzaffarpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Chandra Shekhar Anand, Advocate

For the Opposite Party/s : Mr. Akhileshwar Dayal, APP

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

2 29-06-2021 Learned counsel for the petitioner undertakes to remove all the defects as pointed out by office within four weeks after start of normal functioning of the Court.

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

Petitioner in the present case is seeking regular bail in connection with Hathauri P.S. Case No. 31 of 2020 registered for the offences punishable under Section 392 of the Indian Penal Code.

Learned counsel for the petitioner submits that as per the prosecution story the informant, Principal of Middle School has alleged that on 06.02.2020 at about 3.00 P.M. while he was going to Muzaffarpur, two persons intercepted him and on gunpoint looted his mobile phone, wallet containing S.B.I. ATM Card, Aadhar Card, Pan Card, vehicle documents etc.



Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case on mere suspicion. It is further submitted that nothing has been recovered from the conscious possession of the petitioner and he has been taken on remand in the present on the basis of confessional statement of the co-accused. Learned counsel submits that the petitioner is in custody since 08.07.2020.

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

Having regard to the facts and circumstances of the case wherein it is submitted that there is no recovery from the possession of the petitioner, he is not named in the F.I.R. and in course of investigation he has been taken on remand in the present on the basis of the confessional statement of the co-accused and further submission that the petitioner is in custody in connection with this case since 08.07.2020, investigation against him is complete but the trial is not likely to be concluded in near future, let the petitioner above named be released on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of Sri Deepak Kumar, learned J.M.-1st Class, Muzaffarpur in connection with Hathauri P.S. Case No. 31 of 2020 subject to the condition 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 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 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.

This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

Rishi/-

U		T	
---	--	---	--

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'.

