

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19647 of 2021**

Arising Out of PS. Case No.-268 Year-2020 Thana- VAISHALI District- Vaishali

MUSLIM KHALIFA @ NARESH KHALIFA Son of Bali Khalifa @ Ramchandra Khalifa Resident of Village- Totahan (Gopalpur at Jagdamba Asthan Near Pipal Tree), P.S. - Lalganj (P.S.Vaishali as Wrongly mentioned in FIR), District - Vaishali at Hajipur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anish Chandra

For the Opposite Party/s : Mr.Md. Aslam Ansari

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER**

3 15-12-2021 Heard learned senior counsel for the petitioner and learned APP for the State.

Petitioner seeks bail in connection with Vaishali P.S. Case no. 268 of 2020 registered for the offence punishable under section 395 of the Indian Penal Code.

Learned senior counsel for the petitioner submits that petitioner is in custody since 14.8.2020 and charge sheet has been submitted and has one antecedent as mentioned in para 3 of the bail petition. Learned senior counsel for the petitioner further submits that the informant in the FIR alleges that while he along with his family members were sleeping on 14.8.2020, when at about 10 a.m, 10/15 miscreants variously armed looted articles as detailed in the FIR and after committing dacoity were



fleeing when this petitioner was caught by the villagers and from his possession signed cheques of informant of SBI, silver payal and three live bombs were recovered. Learned senior counsel submits that the petitioner though is alleged to have apprehended by the villagers but he had not participated in the crime nor any live bomb was recovered as would be evident from the FIR as the same was not instituted under the Explosive Substance Act. It is further submitted that the petitioner came to be arrested based on suspicion.

Learned APP opposes the prayer for bail.

Considering the facts that petitioner is in jail custody since 14.8.2020 and charge sheet has been submitted, the petitioner is directed to be released on bail on furnishing bail bonds of Rs 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Vaishali at Hajipur in Vaishali P.S. Case no. 268 of 2020 with condition that petitioner will mark his attendance in between 20-25 of every month commencing from January, 2022 till the charges are not framed, in the event it is reported by local police that petitioner in between the aforesaid date has not marked his attendance in any of the month till framing of the charge, the learned court below will be at liberty to cancel his bail bond.



Learned senior counsel submits that perhaps charge
has been framed in this case, in the event, charge is framed,
aforesaid condition will not apply.

(Satyavrat Verma, J)

s.hassan/-

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