

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24302 of 2021

Arising Out of PS. Case No.-213 Year-2020 Thana- KOCHADHAMAN District- Kishanganj

MD NIYAZ ALAM @ NIYAZ ALAM Son of Md. Iliyas Alam @ Md. Elias
Resident of Village - Saptiya Bishanpur, P.S.- Kochadhaman, Dist.-
Kishanganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amal Kumar Sinha, Adv.

For the Opposite Party/s : Mr. Lalan Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 09-09-2021 Heard learned counsel for the petitioner and learned
APP for the State through virtual court proceedings.

Learned counsel for the petitioner undertakes to
remove the defects within three weeks of resumption of normal
court proceeding. In the eventuality of non-removal of defects
within undertaken period, the office will place the matter before
the Bench.

The petitioner seeks bail in a case registered for the
offence punishable under Sections 392 and 411 of the Indian
Penal Code.

Prosecution case is that when the informant and his
brother were going to purchase fish on their Tempo, two persons
including the petitioner came on motorcycle, stopped the tempo
and on the point of gun looted away Rs. 38,000/- along with



mobile.

Learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this case. He submits that no incriminating article has been recovered from the conscious possession and till date no TIP has been done. He submits that on the same day for the same occurrence, police registered another case bearing Kochadhaman P.S. Case No. 214 of 2020 dated 31.08.2020 offences under Sections 414 and 25(1-b)a, 26/35 of the Arms Act in which the country made pistol was recovered from the possession of the petitioner. He further submits that petitioner is languishing in judicial custody since 17.09.2020.

Considering the facts and circumstances of the case and the fact that there is no recovery from the conscious possession of the petitioner, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.20,000/- (rupees twenty thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Kochadhaman P.S. Case No. 213 of 2020, subject to the conditions:

(1) that one of the bailors will be a close relative of the petitioner, who will give an affidavit giving genealogy as to



who he is related with the petitioner. He will also undertake to inform the court if there is any change in the address of the petitioner.

(II) that the petitioner will be well represented on each and every date fixed in the case and if he fails to do so on two consecutive dates his bail bonds shall be liable to be cancelled.

(III) that the petitioner will mark his attendance in the local police station in the first week of every month till conclusion of trial, failing which the prosecution will be at liberty to move cancellation of his bail bond.

(IV) that the bailor shall also stated on affidavit that he will inform the Court concerned if the petitioner is implicated in any other case of similar nature after his release in the present case and thereafter the Court below will be at liberty to initiate proceeding for cancellation of bail on the ground of misuse.

(V) that the petitioner will appear before the concerned P.S. once in a month till conclusion of trial.

(Anjani Kumar Sharan, J)

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