

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27155 of 2021

Arising Out of PS. Case No.-404 Year-2019 Thana- KOTWALI District- Patna

MD. MERAJ @ MANNA Son of Abdul Qayum R/o Mohalla - Old imarat
sariya, P.S.- Phulwari Sharif, Dist.- Patna ... Petitioner
Versus

The State of Bihar ... Opposite Party

Appearance :

For the Petitioner/s : Mr.Awadhesh Kumar, Advocate
For the Opposite Party/s : Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 30-07-2021 Heard both parties.

The petitioner seeks bail in Kotwali P.S. Case No. 404 of 2019, registered for the offence punishable under Section 392 of the Indian Penal Code. Later on, sections 411, 413 and 120(B) of the IPC were added.

As per the prosecution case, on 06.05.2019, informant was driving the Scorpio vehicle of his owner, Mahadeo Rajak and nephew of his owner's friend namely, Gaurav Sharma was travelling and in the night, he stayed in a hotel near Patna Railway Station. On 06.05.2019 at about 5.30 am, while the informant was sleeping in the vehicle, three persons, concealing their face, came and robbed the mobile phone and Scorpio vehicle, leading to registration of FIR against unknown.

It is submitted on behalf of the petitioner that petitioner's name has figured during course of investigation in confessional statement of co-accused. No incriminating article has been recovered from possession of this petitioner. No test identification parade has been held till date. Similarly situated



co-accused have been granted bail by different Benches of this Court. Petitioner is in custody since 21.6.2019. Similarly situated co-accused have already been allowed bail by this Court vide Cr.Misc.No. 67718/2019 and 22069/2021.

Considering the facts and circumstances of the case, the petitioner above-named, is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Patna in Kotwali Police Station Case No. 404 of 2019, subject to following conditions:-

(i) The petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(ii) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(Prabhat Kumar Singh, J)

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