

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33079 of 2021

Arising Out of PS. Case No.-205 Year-2020 Thana- SITAMARHI District- Sitamarhi

ADIL HUSSAIN S/o Salauddin Haidar @ Nanhe @ Md. Shalahuddin Haider
R/o village- Mehsaul Chowk Khilaphat Bag Ward No.- 27, P.S.- Mehsaul O.P.
(Sitamarhi), Distt.- Sitamarhi

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar, Adv
For the Opposite Party/s : Mr.Ram Naresh Ray, APP

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

2 08-10-2021 Heard learned counsel for the parties.

Petitioner seeks bail in a case registered for the offence punishable under Section 392 of the IPC.

Informant in his written complaint has alleged that on 30.03.2020, while he along with his friend Rajesh Pandit was passing Nahar Chowk at 10:30 pm on motorcycle from his residence to Maa Janki Nandan Hospital, Ringh Bandh, Litchi Bagan towards east, he was intercepted by three unknown miscreants, who on the point of pistol, looted his motorcycle and mobile phone and also looted cash of Rs. 6000/- along with PAN, Aadhar, ATM etc from his friend Rajesh Pandit. FIR is against unknown.

Learned counsel for the petitioner submits that he is

innocent and has been falsely implicated in this case on mere suspicion. Petitioner is not named in the FIR. The name of the petitioner has surfaced in this case on the basis of confessional statement of co-accused Kameshwar Rai @ Panditwa. Nothing has been recovered from the possession of petitioner. Except confessional statement, there is no any other material against petitioner. Till date TIP of the petitioner has also not been conducted. Petitioner is in custody since 05.06.2020.

Considering the aforesaid facts and circumstances of the case, let the petitioner named above be released on bail upon furnishing bail bond of Rs. 20,000/- with two sureties of the like amount each to the satisfaction of learned court below where the case is pending, in connection with **Sitamarhi P.S. Case No. 205 of 2020**, with following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, where one of the bailor will be the father of the petitioner.

(2) 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 his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the court below.

(3) 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.

(S. Kumar, J)

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