

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39354 of 2021

Arising Out of PS. Case No.-122 Year-2020 Thana- AKBARNAGAR District- Bhagalpur

Md Bholu @ Alisher Son of Md. Rakib Ahmad @ Rakib Ahmad Resident of
Mohiuddinpur, Police Station - Habibpur, District - Bhagalpur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Praveen Kumar

For the Opposite Party/s : Mr.Rajeev Nayan, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 04-10-2021 Heard both parties.

The petitioner seeks bail in Akbarnagar P.S. Case No. 122 of 2020, registered for the offence punishable under Sections 394, 302, 120(B) of the Indian Penal Code and section 27 of the Arms Act.

As per the prosecution case, on 05.11.2020 at 12.00 pm, while the son of informant was going to Canara Bank (Bhawnathpur Branch) to deposit Rs. 25 lakhs along with one Aman Kumar on motorcycle, on the way, four persons stopped the motorcycle and fired upon the son of informant and looted cash from his possession and fled away. Petitioner got similar physical feature that of one of miscreants.

It is submitted on behalf of the petitioner that petitioner is not named in the FIR. During course of investigation, name of this petitioner has come in this case on



the confessional statement of some of the witnesses who disclosed that physical feature of miscreants matched with the physical description of petitioner. No looted article has been recovered from possession of this petitioner. No test identification parade has been held till date. Petitioner is in custody since 26.11.2020.

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 Additional Chief Judicial Magistrate Ist, Bhagalpur in connection with Akbarnagar P.S. Case No. 122 of 2020, 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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