

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41450 of 2021

Arising Out of PS. Case No.-72 Year-2020 Thana- BELA District- Sitamarhi

MD. ABDUL KALAM @ MD. KALAM Son of Late Abdul Mannan
Resident of Village - Shankarpur, P.S. - Sursand, Dist. - Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Alok Kumar Alok
For the Opposite Party/s : Mr.A.G

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 22-10-2021 Heard learned counsel for the petitioner and the State.

The petitioner seeks bail in Bela P.S. Case No. 72 of 2020, registered for the offence under Sections 399, 402, 414 of the Indian Penal Code.

As per the prosecution case, on 03.07.2020, on a secret information that some miscreants have assembled to commit a crime near Narga Kuari, a raid was conducted and this petitioner along with other co-accused was apprehended.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He submits that the petitioner has a garage and while he was returning home after repairing dynamo of a tractor he was arrested. No incriminating material has been recovered from the conscious possession of the petitioner. Petitioner is in



custody since 4.7.2020 and similarly situated co-accused has already been allowed bail by this Court vide para 13 of the bail petition.

Learned counsel appearing for the State opposes the prayer for bail.

Considering the rival submissions of the parties, let the petitioner, mentioned above, 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 Sub Divisional Judicial Magistrate, Sadar Sitamarhi in Bela Police Station Case No. 72 of 2020 on the following conditions:-

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

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

(Prabhat Kumar Singh, J)

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