

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 33903 of 2020

Arising Out of PS Case No.-12 Year-2017 Thana- PATEPUR District- Vaishali

Md. Mumtaz, Male, aged about 39 years, Son of Late Azizur Rahman,
Resident of Village-Madhopur Digharua, PS-Tajpur, District-Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sanjay Kumar @ S K Anjana, Advocate
For the State	:	Mr. Jharkhandi Upadhyay, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 30-06-2021

The matter has been heard *via* video conferencing.

2. Heard Mr. Sanjay Kumar @ S K Anjana, learned counsel for the petitioner and Mr. Jharkhandi Upadhyay, learned Additional Public Prosecutor (hereinafter referred to as the ‘APP’) for the State.

3. The petitioner apprehends arrest in connection with Patepur PS Case No. 12 of 2017 dated 09.02.2017, instituted under Section 392 of the Indian Penal Code.

4. The allegation against the petitioner is that he was party to the snatching of bag of the informant at gun point containing Rs. 1,70,000/-, his Samsung mobile, check book and other documents as also motorcycle.



5. In view of the submissions of learned counsel for the petitioner on the earlier occasion that he has been falsely implicated without any legal evidence and only on the basis of the so-called confessional statement of co-accused Ishteyak Ahmed @ Chhotu Khan, who himself has been granted bail by a co-ordinate Bench in Cr. Misc. No. 18647 of 2017, by order dated 10.05.2017, the Court had directed the Superintendent of Police, Vaishali to get Test Identification Parade (TIP) with regard to the petitioner in the present case.

6. In terms thereof, learned APP submitted that the Superintendent of Police, Vaishali has submitted a report dated 25.06.2021, which has also been forwarded to the Court, in which it has been stated that the said TIP was conducted on 21.06.2021, in accordance with law, but the petitioner has not been identified. Learned counsel submitted that the petitioner also does not have any criminal antecedent.

7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of the



learned ACJM-10, Vaishali at Hajipur in Patepur PS Case No. 12 of 2017, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973 and further, (i) that one of the bailors shall be a close relative of the petitioner, (ii) that the petitioner and the bailors shall execute bond and give undertaking with regard to good behaviour of the petitioner and (iii) that the petitioner shall cooperate with the Court and police/prosecution. Any violation of the terms and conditions of the bonds or the undertaking or failure to cooperate shall lead to cancellation of his bail bonds.

8. It shall also be open for the prosecution to bring any violation of the foregoing conditions of bail by the petitioner, to the notice of the Court concerned, which shall take immediate action on the same after giving opportunity of hearing to the petitioner.

9. The petition stands disposed off in the aforementioned terms.

(Ahsanuddin Amanullah, J.)

P. Kumar

AFR/NAFR	
U	
T	

