

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46881 of 2021

Arising Out of PS. Case No.-14 Year-2020 Thana- DEWARIA District- Muzaffarpur

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MOHAMMED MUMTAZ Son of Mohammed Muzrif Resident of Village-
Deoriya Sedha, P.S.- Deoriya, District- Muzaffarpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Mani Bhushan Kumar, Adv.

For the Opposite Party/s : Mr.Jitendra Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 29-09-2021 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Learned counsel for the petitioner undertakes to remove the defects within four weeks of resumption of normal court proceeding. In the eventuality of non-removal of defects within undertaken period, office will place the matter before the Bench.

The petitioner seeks bail in connection with Deoriya P.S. Case No.14 of 2020, registered for the offence punishable under Sections 399, 402 of the Indian Penal Code and section 25(1-b)a, 26/35 of the Arms Act.

Earlier, vide order dated 23.06.2021 passed in Cr. Misc. No.9162 of 2021, the prayer for bail of the petitioner was rejected by this Court.

Again, the petitioner has filed the present bail application



for grant of bail on 19.08.2021

It is submitted by learned Counsel for the petitioner that petitioner is quite innocent and has not committed any offence as alleged in the FIR. He has been falsely implicated in this case and no incriminating article has been recovered from his conscious physical possession. The recovered vehicles from the house of petitioner belongs to his family members. The petitioner has eight criminal antecedents and has been languishing in custody since 07.05.2020, as such, he may be enlarged on bail.

Learned APP for the State opposed the prayer for bail.

Considering the facts and circumstances of this case and the custody of more than one year, the above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 1st Class, Muzaffarpur, in connection with Deoriya P.S. Case No.14/2020, subject to following conditions:

(1) One of the bailors will be own close relative of the petitioner who will give on affidavit genealogy as to how he is relative to petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.



(2) The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

(3) The petitioner shall remain physically present in the court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reasons, his bail bonds shall be liable to be cancelled by the learned court concerned.

(4) The petitioner shall co-operate with the investigation, if not already concluded and make himself available and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(Anjani Kumar Sharan, J)

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