

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49602 of 2021

Arising Out of PS. Case No.-356 Year-2020 Thana- KOTWALI District- Munger

MD. ARMAN son of Md. Nasim Resident of Mohalla - Gashiyar Mohalla,
P.S. kotwali, District Munger.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amrendra Kumar Jha, Advocate

For the Opposite Party/s : Mr.Dilip Kumar No. 1, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 17-12-2021 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State through virtual mode.

Let the defects, as pointed out by the office, be removed within four weeks of start of normal functioning of the physical court.

Petitioner seeks bail in connection with Kotwali P.S. Case No. 356 of 2020 (G.R. No. 2241 of 2020) registered for the offences punishable under Sections 394, 411 of the IPC.

As per prosecution case, on 06.12.2020 the informant along with his son was going to participate in a marriage ceremony. In the meantime, two person stopped them and looted their belongings. On being alarm, the petitioner fled away from there. One accused was apprehended by the informant and handed over to police.



Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence and he has falsely been implicated in the present case only on the basis of confessional statement of co-accused Md. Siraj. It is further submitted that nothing has been recovered from conscious possession of the petitioner. Petitioner was not apprehended at the place of occurrence. Petitioner is in custody since 23.01.2021.

The learned Additional Public Prosecutor opposed the prayer of bail submitting that petitioner carries five criminal antecedent.

Considering the aforesaid facts and circumstances as well as period of custody, let the petitioner, above named, be released 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 Judicial Magistrate, 1st Class, Munger in connection with Kotwali P.S. Case No. 356 of 2020 (G.R. No. 2241 of 2020), subject to 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 absence on two



consecutive dates without sufficient reason, his 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.

3. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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