

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.118 of 2021**

Arising Out of PS. Case No.-245 Year-2019 Thana- KUMAR KHAND District- Madhepura

MD. AZIM SON OF MD. ABBAS RESIDENT OF VILLAGE - TIKULIA,
POLICE STATION - KUMARKHAND, DISTRICT - MADHEPURA

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Uday Chand Prasad, Advocate

For the Opposite Party/s : Mr. Akhileshwar Dayal, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

4 24-07-2021 Learned counsel for the petitioner undertakes to remove all the defects as pointed out by office within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in connection with Kumarkhand P.S. Case No. 245 of 2019 registered for the offences punishable under Section 392 of the Indian Penal Code.

As per the prosecution story, the informant, after collecting money, was going to Murliganj by tempo and when the tempo reached near Kewatgama Chowk four persons on two motorcycles overtook the tempo and on the point of gun snatched the informant's bag containing cash Rs. 1,50,000/- and fled away.



Learned counsel for the petitioner submits that the petitioner is quite innocent and has been falsely implicated in this case. He has been taken on remand after his arrest in connection with Kumarkhand P.S. Case No. 251 of 2019. In police custody his confessional statement has been extracted but there is no recovery of any looted money from the possession of the petitioner. No incriminating article has been found in possession of the petitioner. He has been granted bail in the cases stated at serial no. (iv), (v), (vi) and (vii) in paragraph '3' and his prayer for bail is pending in other cases.

The petitioner is said to be in jail since 16.06.2020 but according to the learned counsel for the petitioner he has not been put on test identification parade.

Learned A.P.P. for the State has though opposed the prayer for bail of the petitioner, considering the facts and circumstances of the case, particularly that he has been brought in this case on remand, there is no identification of the petitioner, for more than one year he is in custody and in some of the cases he has already been granted bail, this Court directs release of the petitioner on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Sub Divisional Judicial Magistrate, Madhepura in connection with Kumarkhand P.S. Case



No. 245 of 2019 subject to the condition as laid down under
Section 437 (3) Cr.P.C. as under :

(a) that such person shall attend in accordance with the
conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar
to the offence of which he is accused, or suspected, of the
commission of which he is suspected, and

(c) that such person shall not directly or indirectly make
any inducement, threat or promise to any person acquainted with
the facts of the case so as to dissuade him from disclosing such
facts to the Court or to any police officer or tamper with the
evidence.

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.

This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

