

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1062 of 2021

Arising Out of PS. Case No.-199 Year-2019 Thana- KUMAR KHAND District- Madhepura

MD AZIM aged about 27 years Son of Md. Abbas Resident of Village -
Tikulia, P.S.- Kumarkhand, Distt.- Madhepura ... Petitioner
Versus

The State of Bihar ... Opposite Party

Appearance :

For the Petitioner : Mr. Uday Chand Prasad, Advocate
For the Opposite Party : Mr. PK Pandey, Addl Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 29-04-2021 This matter is taken up for consideration through
Video Conferencing.

Heard learned counsel for the petitioner and the State.

The petitioner prays for grant of regular bail in a case
registered for the offence punishable under sections 392/34 of
the Indian Penal Code.

As per the prosecution case, on 19.10.2019 while the
informant was returning to his house by an Auto rickshaw,
three unknown miscreants riding on a motorcycle intercepted
the Auto rickshaw and on the gun point they looted away his
bag containing cash Rs. 48,000/-.

Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in this
case. He is not named in the FIR and his name has come in the
case on the basis of confessional statement of co-accused
Nilesh Kumar Gulshan. Besides this, no incriminating material



has been recovered from the conscious possession of the petitioner. Test Identification Parade has not been carried out till date. In paragraph 3 of the bail petition, it is submitted that the petitioner is accused in seven criminal cases and out of them he is on bail in four cases. Petitioner is in custody since 31.1.2020.

Considering the facts and circumstances of the case and the fact that no incriminating material has been recovered from the conscious possession of the petitioner and Test Identification Parade has not been carried out till date and the petitioner is in custody since 31.1.2020, 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, Madhepura in Kumarkhand Police Station Case No. 199 of 2019/CIS No. 1827 of 2019 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)

Shashi

U		T	
---	--	---	--

