

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.283 of 2021**

Arising Out of PS. Case No.-113 Year-2018 Thana- MANJHAGARH District- Gopalganj

PAPPU MIYA @ AFZAL ALI Son of Saheb Hussain @ Ma Saleem Miya
Resident of Village - Pratappur Surwania Tola, P.S.- Manjhagarh, Distt.-
Gopalganj.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Javed Aslam, Advocate

For the Opposite Party/s : Mr.Madhura Nand Jha, A.P.P.

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

3 12-04-2021 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 Manjhagarh P.S. Case No. 113 of 2018 registered
for the offence under Section 392 of the Indian Penal code.

Learned counsel for the petitioner submits that as per
prosecution story, on 09.05.2018 the informant lodged an
information with Manjhagarh Police Station stating that he has a
jewelry shop and while returning from his jewelry shop with his
son who was driving motorcycle then three persons riding on
motorcycle were chasing him and demanded the bag and one
person taken away the bag. On 06.05.2018 a minor occurrence was
also taken place wherein jewelry of gold 150 gram and cash Rs.
50,000/- were also looted.



Learned counsel for the petitioner submits that petitioner is not named in the F.I.R., his name has transpired in the confessional statement of the co-accused in connection with the present case and he is in jail since 04.12.2019.

Learned A.P.P. for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case wherein it is the submission of learned counsel for the petitioner that petitioner is not named in the F.I.R. and his name has transpired in the confessional statement of the co-accused in connection with the present case, he is in jail since 04.12.2019, till date he has not been put on T.I. Parade and no incriminating article has been recovered from his possession, further the co-accused Ajay Singh @ Guddu Baba and Noor Hasan @ Khurshid Ansari have already been released on bail by the learned coordinate Bench of this court vide order dated 01.10.2019 passed in Cr. Misc. No. 61440/2019, this Court directs release of the above-named petitioner on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of Shri Devendra Prasad, learned Judicial Magistrate - 1st Class, Gopalganj, in connection with Manjhagarh P.S. Case No. 113 of 2018, 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.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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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'.

