

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11260 of 2021**

Arising Out of PS. Case No.-107 Year-2019 Thana- INDUSTRIAL District- Bhagalpur

ZEESHAN ALI SON OF MD. CHAND ALI R/o Mohalla- Din
Mohammedpur Lane Near Masjid Narga Bazar, P.S.- Nathnagar, District-
Bhagalpur

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Md. Najmul Hodda, Advocate
For the Opposite Party/s : Mr. Pranav Kumar, APP.

**CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER**

2 08-07-2021

. In view of sudden resurgence of COVID – 19 infection there is limited functioning of the High Court and therefore the matter has been listed for consideration through virtual mode.

Heard learned Counsel for the petitioner and the learned APP for the State.

This Court would expect that the petitioner's Counsel would honour his undertaking in the instant proceedings regarding supply of requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

At the very out set learned Counsel for the petitioner submits that due to inadvertence PS Case number has wrongly been written as "107 of 2020" in the first paragraph of the petition. The correct number is "107 of 2019", which is evident from the order rejecting petitioner's bail as well as copy of the FIR annexed to the petition.

This Court would direct that the case number be read as "107 of 2019" in place of "107 of 2020".

Petitioner seeks bail in Industrial PS Case No. 107 of 2019 registered under Sections 392 and 411 of the IPC.

Allegation is that two miscreants riding on a motorcycle without registration number have accosted the informant, snatched 1,32,961 rupees and some other articles.

Learned Counsel for the petitioner submits that based on



confessional statement of co-accused Hasim Mansuri, having no evidentiary value, obtained in police custody, petitioner has been implicated in this case. Other than four criminal antecedent of the petitioner there is no material in the instant case to sustain his implication. There is no recovery of any material from the petitioner and under such circumstances he continues to be in custody in connection with this case since 29.1.2020. The petitioner has been implicated in other four cases also based on confessional statement or during course of investigation. In two out of the four cases he has already been enlarged on bail.

Learned APP has opposed the prayer for bail.

Considering the rival submissions as also the facts and circumstances of the case, prayer for bail of the petitioner is allowed. Let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of CJM Bhagalpur in Industrial PS Case No. 107 of 2019 subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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