

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.3576 of 2021**

Arising Out of PS. Case No.-260 Year-2020 Thana- MUZAFFARPUR SADAR District-
Muzaffarpur

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Md.Mumtaz Son of Md. Hanif Resident of Village - Bhikhanpura Dih,
Maharana Pratap Nagar, Police Station -Muzaffarpur Sadar, District -
Muzaffarpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Ranjeet Kumar, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 13-04-2021 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 Muzaffarpur Sadar P.S. Case No. 260 of 2020
registered for the offences punishable under Sections 380, 457,
411, 413 and 414 of the Indian Penal Code.

Learned counsel for the petitioner submits that as per
the prosecution story neighbor of the informant informed him that
some articles have been scattered in his courtyard. When the
informant went to his house on the next morning, he found that



some valuable articles including ornaments and cash Rs. 32,000/- have been stolen away and some articles have been left on the stairs.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. It is further submitted that the petitioner is not named in the F.I.R. and his name has come in this case only on the basis of confessional statement of the co-accused. It is submitted that the petitioner is in custody since 26.09.2020.

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

Having regard to nature of the allegations and the period of custody showing that the petitioner is in jail in connection with the present case since 26.09.2020, the investigation against him is complete and further incarceration of the petitioner is not likely to come in aid of the investigation or prosecution, let the petitioner above named be released on bail on furnishing bail bonds of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Muzaffarpur in connection with Muzaffarpur Sadar P.S. Case No. 260 of 2020, 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 above-mentioned order shall not be delayed for purpose of or in the name of verification.

The 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'.

