

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2208 of 2021

Arising Out of PS. Case No.-285 Year-2018 Thana- KESARIA District- East Champaran

Md. Ejaj S/O Md. Izhar R/O Village- Nagwa, P.S.- Paru, District-
Muzaffarpur

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. S unil Kumar No.III, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 16-12-2021 Learned counsel for the petitioner undertakes to remove all the defects pointed out by the Stamp Reporter within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Akhileshwar Dayal, learned APP for the State.

The petitioner in the present case is seeking pre-arrest bail in connection with Kesariya P.S. Case No. 285 of 2018 registered for the offence punishable under Section 395 of the Indian Penal Code. The petitioner has got no criminal antecedent.

As per the prosecution story, on 18.07.2018 at about 12:15 hours at the godown of Indian Gas Agency of the informant, 6 miscreants came on three motorcycles and on the point of pistol, looted away cash Rs.1,20,000/- and snatched a mobile phone of the customer.



Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case. It is submitted that the name of the petitioner has transpired in the confessional statement of the co-accused Mukesh Sahani in another case. It is further submitted that the co-accused Fuleshwar Sahani has been granted privilege of anticipatory bail by a learned Co-ordinate Bench of this Court in Cr. Misc. No. 24204 of 2019. The petitioner has no criminal antecedent.

Learned APP for the State has opposed the prayer for anticipatory bail of the petitioner.

Having regard to the submission that the FIR is against unknown and the name of this petitioner has transpired in the confessional statement of the co-accused Mukesh Sahani in another case in which he disclosed the name of this petitioner and others and further submission that the co-accused Fuleshwar Sahani has been granted privilege of anticipatory bail by a learned Co-ordinate Bench of this Court in Cr. Misc. No. 24204 of 2019, the petitioner has otherwise no criminal antecedent as stated in paragraph '3', this Court directs that the petitioner above named in the event of his arrest or surrender within four weeks from today be released on bail on furnishing of bail bond of Rs.25,000/- (Rupees Twenty Five Thousand/-) with two sureties of the like amount each to the satisfaction of learned A.C.J.M. 3rd,



East Champaran, Motihari in connection with Kesariya P.S. Case
No. 285 of 2018, subject to the conditions as laid down under
Section 438(2) Cr.P.C.

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.

The application stands allowed.

(Rajeev Ranjan Prasad, J)

SUSHMA2/-

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

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'.

