

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4302 of 2021

Arising Out of PS. Case No.-175 Year-2013 Thana- SIRDALA District- Nawada

MUSTAQUE KHAN S/O- Nasim Khan R/o village - Sikandra, P.S. -
Sikandra, District - Jamui.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pankaj Kumar Sinha
For the Opposite Party/s : Mr.APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 19-03-2021 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner is in custody since 26.03.2020 in connection with Sirdala (Meskar) P.S. Case No. 175/2013 registered for the offences punishable under Section 392 of the Indian Penal Code.

As per the prosecution case, four unknown miscreants looted the Bolero Pick-up van on the point of pistol and fled away.

It is submitted on behalf of the petitioner that petitioner is not named in the F.I.R. It is further submitted that during the course of investigation, the petitioner has been made accused in this case only on the basis of suspicion. It is submitted that no incriminating article has been recovered from



the possession of the petitioner and he has not been put on T.I. Parade till date. It is next submitted that similarly situated co-accused person has already been granted bail vide order dated 11.01.2019 passed in Cr. Misc. No. 77123/2018. Chargesheet has already been submitted in this case. Petitioner is in custody since 26.03.2020.

Considering the period of custody and the fact that no incriminating article has been recovered from the possession of the petitioner, coupled with the fact that chargesheet has already been submitted in this case, the bail petition of the petitioner is allowed. Let the petitioner above named be released on bail, on furnishing bail bonds of Rs.10,000/- (Ten Thousand) each with two sureties of the like amount to the satisfaction of learned C.J.M., Nawada, in connection with Sirdala (Meskaur) P.S. Case No. 175/2013, subject to 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 on his absence on two consecutive dates without sufficient reason, his bail-bonds shall be cancelled by the Court below.
- (2) If the petitioner tempers 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)

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