

IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.7174 of 2021

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

HASIM MANSURI Son of Md. Farukh @ Farook Mansuri Resident of
Village-Mansuri Tola Fatehpur, P.S.-Industiral Area, District-Bhagalpur.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Subhash Kumar, Advocate
For the Opposite Party/s : Mr.Akhileshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 04-08-2021 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 regular bail in
connection with Industrial Area P.S. Case No. 107 of 2019 for the
offences registered under Section 392 and 411 of the Indian Penal
Code.

Learned counsel for the petitioner submits that the
petitioner is not named in the First Information Report. As per
allegations two miscreants stopped the informant and on the point of
pistol took out his bag in which 1,32,961/- together with tab, mobile
phone, power bank, charger and documents were kept. The informant

did not identify the miscreants.

It is further submitted that in course of investigation petitioner has not been identified and no incriminating looted article has been recovered from the possession of the petitioner. It is submitted that police has extracted confessional statement of the petitioner in custody and has shown recovery of a sum of Rs. 19000/- from his house which is petty amount kept for household expenses and there is no material to connect it with the looted money. It is further stated that petitioner has got five criminal antecedent, however, in all those cases he is on bail. Learned counsel submits that though in Paragraph-3 it is not stated that the petitioner is on bail in all the five cases but he has instruction to say that the petitioner is on bail in all the cases.

Learned APP for the State has opposed the prayer for bail of the petitioner, mainly on the ground that there is a confessional statement and petitioner has got criminal antecedent.

Considering the facts and circumstances of the case wherein no looted article have been recovered from the possession of the petitioner and he has not been identified though the petitioner is in custody for more than one and a half year in connection with this case, the petitioner is on bail in all the five cases stated in Paragraph-3, this Court directs release of the petitioner above-named on bail on furnishing of bail bonds of Rs. 25,000/- (Rupees Twenty Five Thousand Only) with two sureties of the like amount each to the

satisfaction of Sri Pradip Chandra, learned Judicial Magistrate, Bhagalpur in connection with Industrial Area P.S. Case No. 107 of 2019, subject to the conditions 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 is suspected, and

(c) that such persons shall not directly or indirectly make and 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.

And further condition that during pendency of the trial of this case the petitioner shall mark his attendance at least once in every two months before the Station House Officer of Industrial Area Police Station in the District of Bhagalpur. He will provide his

complete address and mobile No. to the SHO and in case he is required to go outside the jurisdiction of the police station in connection with any employment etc. he will keep on providing his address and mobile No. to the SHO and shall attend the trail on the date fixed in the matter. Default of this condition shall invite action towards cancellation of bail by the SHO and the learned Court below. Let a copy of this order be communicated to the Superintendent of Police, Bhagalpur for onward direction to the SHO of the concerned police station.

The application stands allowed.

(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'.