

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.7190 of 2021**

Arising Out of PS. Case No.-75 Year-2020 Thana- HABIBPUR District- Bhagalpur

MD. BETAB MD. YASIN R/O- BARARI BANIYA TOLA LANE, P.S-
BARARI, 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.Akshay Lal Pandit, APP.

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 29-04-2021 At the outset learned counsel for the petitioner seeks permission to make correction with regard to the P.S. Case Number in Paragraph '1' as also in the prayer portion of the petition. According to him, the correct case Number is Habibpur P.S. Case No. 75 of 2020. Since the FIR placed on record also shows case Number as Habibpur P.S. Case No. 75 of 2020, prayer for correction is allowed.

Let the Case Number be correctly read as Habibpur P.S. Case No. 75 of 2020.

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. Akshay Lal Pandit, learned APP for the State.



The petitioner in the present case is seeking regular bail in connection with Habibpur P.S. Case No. 75 of 2020 registered for the offences punishable under Section 392 of the Indian Penal Code.

Learned counsel for the petitioner submits that as per the prosecution story, the informant namely Shrawan Kumar Bishwas was going to attend his duty on his red color Yamaha R15 motorcycle and when he reached over Bhagalpur-Amarpur By-pass bridge, three persons forcibly stopped him and looted his Apple mobile phone having Airtel sim card and Rs. 20,000/- cash as well as gold and diamond ring and fled away.

Learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this case on the basis of confessional statement of co-accused Nitish Kumar. The petitioner is in custody since 08.06.2020 having no criminal antecedent.

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

Having regard to the facts and circumstances of the case wherein the name of this petitioner is said to have transpired in the confessional statement of the co-accused and it is alleged that one mobile phone was recovered from his



possession, however, the contention of learned counsel for the petitioner is that the petitioner has not been identified by the witnesses or the informant, he has remained in jail in connection with this case since 8.6.2020, prior to this case he had no criminal antecedent, investigation against him is complete and further incarceration of the petitioner is not likely to come in aid of investigation or the prosecution, 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 learned Additional Chief Judicial Magistrate XII, Bhagalpur in connection with Habibpur P.S. Case No. 75 of 2020, 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.

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'.

