

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.7538 of 2021**

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

Md. Minaj @ Md. Minhaj Son Of Mohammad Niyaj R/O Village- Factory
Road Mir Sahab Tola, Barari, P.S.- Barari, Dist.- Bhagalpur

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Brij Nandad Prasad, Advocate

For the Opposite Party/s : Mr.Nawal Kishore Prasad, APP

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

5 04-08-2021 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 Habibpur P.S. Case No. 75/2020 registered for the offences punishable under Section 392 of the Indian Penal Code.

As per the prosecution story, the informant was going on red colour Yamaha Motorcycle to attend his duty at Sultanganj and when he reached over Bhagalpur – Amarpur Bypass Bridge three persons forcibly stopped him and snatched his motorcycle, cash of Rs. 20,000/-, mobile of Apple Company having Sim Card as also gold and diamond ring.

Learned counsel for the petitioner submits that petitioner has been falsely implicated in this case, no

incriminating article has been recovered from the possession of the petitioner and he is in custody since 08.06.2020 having no criminal antecedent.

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

Having regard to the facts and circumstances of the case wherein it is the submission of learned counsel for the petitioner that no incriminating article has been recovered from the possession of the petitioner, petitioner has not been put on Test Identification Parade, he has got no criminal antecedent and he is in custody in connection with this case since 08.06.2020 and the case of the petitioner being identical with that the co-accused Md. Betab who has been granted bail by this court, this Court directs release of the petitioner above named on bail on furnishing of bail bond 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 – IX, Bhagalpur in connection with Habibpur P.S. Case No. 75/2020, 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 the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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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'.